

# *Now and for the Future: A Vision for New York's Coast*

Recommendations of  
The Governor's Task Force  
on Coastal Resources

Mario M. Cuomo  
Governor

Stan Lundine  
Lt. Governor, Chair

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STATE OF NEW YORK  
OFFICE OF THE LIEUTENANT GOVERNOR  
ALBANY 12224

STAN LUNDINE  
LIEUTENANT GOVERNOR

*November, 1991*

*Dear Governor Cuomo:*

*It is my pleasure to transmit the final recommendations of the Governor's Task Force on Coastal Resources. With the assistance of hundreds of individuals -- from local government officials and businesspeople to environmentalists and homeowners -- we have developed a long-term plan to protect, restore and enhance New York's magnificent coastal areas.*

*Our coasts -- along Long Island Sound, the Atlantic Ocean, the harbors and bays of New York City, the Great Lakes, and the Hudson and St. Lawrence Rivers -- are a unique and fragile resource. They are our richest, most productive ecosystems. They are also home to over three-quarters of our residents, our largest cities and transportation hubs, and significant recreational, industrial and agricultural activity.*

*Today, pollution, population shifts, inappropriate development and natural forces threaten our coastal resources. Wetlands, fisheries, and water quality are at risk of continued degradation. Our water dependent businesses face a myriad of economic threats. It is our challenge now to address these problems, so that future generations may continue to use, enjoy and benefit from the coast.*

*While recognizing our fiscal constraints, the Task Force proposes a comprehensive strategy that builds on and improves existing programs of federal, State and local governments. Implementation of these recommendations will foster appropriate development and increased access for the public, in ways that meet the particular needs of each coastal region. Water quality and the natural resources that thrive in our coastal areas will be protected and restored. The regulatory process will be simpler, and the work of State agencies will be more effective. Decision makers and all citizens will have better information upon which to base their actions. Our historic working waterfront will be stronger and healthier.*

*In every community and at every level of government, we must work together to achieve these goals. It will be a gradual process, which will require continued commitment and leadership. Our success will ensure a better quality of life, now and in the future, for all New Yorkers.*

*Respectfully submitted,*

A handwritten signature in black ink, appearing to read "Stan Lundine".

Stan Lundine  
Lieutenant Governor  
Chair, Governor's Task Force on Coastal Resources

**Now and For the Future**

***A Vision for New York's Coast***

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## **Acknowledgments**

## ***EXECUTIVE SUMMARY***

New York's 3,200-mile coastline is unique. It stretches from Lakes Erie and Ontario to Montauk Point, encompassing wide, sandy ocean beaches, expansive dunes, the Manhattan skyline, wooded islands in the St. Lawrence River, and the rocky highlands of the Hudson. The characteristics of the various regions are as diverse as their inhabitants.

Whether it is a freshwater or saltwater system, the coast is in many ways connected to the quality of life of each and every New Yorker. Natural assets -- wetlands, dunes, beaches, fish, wildlife, and the water itself -- are critical to the health and vitality of our communities. As a place to live, work and play, the coast is an incomparable treasure to millions of citizens and visitors.

Over the years, New York State, working with the federal and local governments, established programs to protect our coastal areas. While these programs are valuable, pollution, population pressures, and natural forces continue to threaten the fragile areas where land and water meet. Decisions sometimes contradict public policy goals for the coast, leading to inappropriate development and degradation of wetlands, fisheries, and water quality. Our vital water dependent businesses face a myriad of economic challenges.

Before the distinctive character of New York's coastline is damaged further, we must lay the groundwork for better use, protection, and enhancement of the coast. Our greatest challenge is to pursue sound economic development and meet human needs, compatible with the protection and restoration of our natural resources.

The recommendations proposed by the Governor's Task Force on Coastal Resources will dramatically improve our coastal areas. All New Yorkers who use and enjoy them will benefit. Armed with better information, State and local officials, businesspeople, environmentalists and all citizens will be able to make better decisions and plans. Protection, development, and investment opportunities will take into account the different needs and characteristics of each coastal region. Existing programs to manage our coastline will be made more effective. The regulatory process will be easier to navigate, while environmental standards are maintained and strengthened.

Gradually, but certainly, we will protect and restore water quality and the natural resources that thrive along our coastline. At the same time, our historic working waterfront will be stronger and healthier. New Yorkers will begin to learn about the importance of our coast to the future of our State.

## AN INFORMED PUBLIC

*Information and educational programs about our coast will be available to decision makers and New Yorkers of all ages. As awareness and appreciation for our coastal resources grow, we will join together to protect and enhance the coast for the future.*

The continued strength of the natural, cultural and economic resources of our coastal areas depends upon greater public awareness of their contribution to the quality of our lives. Those who use and enjoy the coast need facts and guidance about: what they can do to protect the coast and our waterways; issues and problems in their communities; and available State and local assistance programs.

Efforts to heighten awareness and provide information will lead to greater public enjoyment of and appreciation for the coast, more responsible actions by all residents, and ultimately, a lasting commitment to protect and improve our coastal resources. More than any other factor, education and awareness will ensure that our visions are realized.

Key recommendations:

- **Step up New York State's efforts to heighten awareness and provide public information about our coastal areas.**

There is no comprehensive effort to inform New Yorkers about coastal issues and activities in our coastal areas. Though information is available, programs are frequently uncoordinated and the quality and quantity of information vary from region to region.

The Department of State's Division of Coastal Resources and Waterfront Revitalization should coordinate coastal awareness activities and the dissemination of coastal information throughout the State. The Department should work closely with State agencies, New York Sea Grant and other organizations, and build on existing resources and programs. These State efforts should complement and enhance local information and education efforts.

- **Coordinate existing Geographic Information Systems (GIS) and work toward a Coastal Resources GIS capability to improve management of New York's coastal areas.**

Computerized Geographic Information Systems are useful and cost-effective. Numerous inconsistencies among existing systems and duplication of efforts among agencies must be eliminated so that New York may benefit from such a valuable tool.



A Coastal Resources GIS would allow users to display and analyze data and develop and update coastal programs at the State, county and local levels. State and local decision makers would have the information and data needed for permitting decisions, as well as other policy and program implementation.

## THE MANAGEMENT FRAMEWORK FOR THE COAST

*The coastal management framework will be refined to meet the changing needs of New Yorkers and the coastal environment. Government actions within this framework will be clear and predictable.*

New York's coastal areas are under pressure, and it is clear we will continue to demand more from the coast -- more energy production, food, water, recreation, housing and jobs.

Improperly managed development threatens resources which are critical to the future of our economy. While New York has enacted numerous laws to manage public and private activities, coastal resources are still in jeopardy. Refinements are needed if we are to make better use of the coast.

Key recommendations:

- **Revise the Coastal Management Program to reflect demographic, environmental and economic trends, local priorities, and the needs for conservation and development in each coastal region.**

In State government, the planning process usually focuses on the programs of each individual agency. Local governments plan within a limited geographic area. Because governments do not often take a broad view of coastal ecosystems, rational development and protection of resources are not always realized. In addition, there has been no clear articulation of the public's goals for the coast, and government is often unable to encourage appropriate development and investment.

The Department of State, in consultation with local governments, State agencies, and others, should update the Coastal Management Program by incorporating elements to reflect the unique environmental, economic, and social needs of each region. No new entity or new layer of government should be created. Rather the State should refine and clarify the existing program. Residents and local officials should assist the State to include in these regional elements such factors as the capacities of the adjacent body of water, and economic and demographic trends.

Regional elements in the Coastal Management Program should identify environmentally sensitive areas to be protected and other areas that should be the focus of redevelopment. The regional elements would augment Local Waterfront Revitalization Programs, make the decision making process more predictable, and guide State actions in each coastal region.

- **Strengthen enforcement of State coastal policies through improved provisions of consistency.**

There is no adequate mechanism to enforce the State coastal policies. To remedy this problem, the State consistency review process should be centralized in the Department of State for projects above certain thresholds and for those located in environmentally sensitive areas. This review would not interfere with the home rule power of local governments.

To eliminate duplication, consistency reviews undertaken by the Department of State should incorporate regulatory decisions of the Department of Environmental Conservation. The Department of State should also be subject to the provisions of the State Environmental Quality Review Act.

- **Increase local involvement in coastal management by strengthening participation in Local Waterfront Revitalization Programs.**

The Local Waterfront Revitalization Program is a valuable guide for projects and activities affecting a community's coastal area. Unfortunately, not all coastal communities have such programs. Even for those communities that do participate, not enough resources are available for them to implement the plans.

Additional technical assistance and funding from existing and proposed sources should be available to local governments as incentives to participate in and implement Local Waterfront Revitalization Programs. Procedures should be revised to make it easier to develop and amend the programs. Coastal counties should also be encouraged to participate in coastal planning in partnership with State and local governments.

- **Simplify and streamline the regulatory process.**

Despite recent improvements by State agencies, applicants for permits in the coastal area have voiced the following concerns about the regulatory process: 1) the numerous forms required from federal, state and local agencies; 2) the length of the permit process; 3) multiple requests for additional information, indicating limited coordination or sharing of information among agencies; and 4) the different application procedures and time requirements, resulting in delays and costs to the applicant.

State agencies, working with representatives of local government, industry and environmental organizations, should simplify the State's regulatory processes. Some of the changes would: promote conceptual review of applications at an early stage; establish a single application form; develop improvements to the application process, such as concurrent review by the various agencies and uniform procedures and timelines; establish a single point of contact for applicants; and improve informational materials about the permit process.

## THE NATURAL COAST

*Strong measures will be undertaken at every level of government to improve water quality and protect fish, wildlife, and all natural resources in the coastal area.*

Clean and beautiful coastal waters are indispensable to our quality of life. Many of our favorite recreational activities take place in the ocean and our magnificent lakes and rivers. Coastal waters provide drinking water for many New Yorkers. At the same time, the commercial fishing, tourism and marine trades industries depend on our ability to control pollution and improve water quality. The continued strength of our economy and thousands of jobs are at stake.

Despite government actions to protect coastal water, its quality continues to decline in some areas from point and nonpoint sources of pollution. Long Island Sound has deteriorated significantly. Even where there has been marked improvement -- in the Hudson River, St. Lawrence River and Lake Erie for example -- use and enjoyment of the water are still seriously threatened.

Other coastal natural resources are in jeopardy as well. Wetlands -- which provide fish and shellfish nursery grounds, wildlife habitats, water resource benefits, and natural treatment of pollution -- must be protected. Fisheries require careful management to maintain New York's important commercial and recreational fishing industries. We must also improve our efforts to safeguard life and property from coastal hazards and preserve natural features -- such as beaches, dunes, barrier islands and cliffs -- which help protect us from flooding, erosion and storms. In all its efforts, the State must work closely with international, national and local organizations.

Key recommendations:

- **Expand water quality certification requirements to prevent further degradation of coastal waters.**

The Department of Environmental Conservation should require a water quality certification for all projects in sensitive areas and for projects exceeding certain thresholds. If water quality certification is denied, a project would not proceed.

The Department of Environmental Conservation, in consultation with representatives of local government, environmental organizations, national and State estuary programs, and other groups, should determine the most effective thresholds and make a recommendation to the Legislature. Thresholds may vary from region to region.

- **Strengthen State protection of tidal and freshwater wetlands and habitats of threatened and endangered species.**

Many tidal and freshwater wetlands have been lost or degraded -- most before State wetland laws were enacted. At the same time, while New York has laws to prevent the killing and possession of threatened and endangered species of fish, wildlife and vegetation, there is no law which specifically protects their habitats. Development pressures could lead to the decline and destruction of these species.

The State, working in concert with federal and local agencies, should take legislative, regulatory and administrative measures to protect wetlands and habitats in coastal areas. Filling or degrading vegetated tidal wetlands should be prohibited for all but the most critical uses found to be in the public interest, and stricter limitations should be established for activities adjacent to any wetland. The current minimum size of 12.4 acres for jurisdiction over freshwater wetlands should be lowered, and penalties should be increased for permit violations. New York should also develop habitat management plans for more effective protection of endangered and threatened species.

- **Protect and manage recreational and commercial fisheries to ensure continued public benefits.**

Many species of finfish, crustaceans, and shellfish have been over-harvested. The State should adopt improved fisheries management and protection measures, combined with efforts to protect and restore water quality, to ensure a sustained, healthy harvest. Fisheries management decisions should be made carefully, in concert with neighboring coastal states and the federal government.

The State should continue to encourage commercial fishing, distribution, and marketing. A saltwater recreational fishing license should be required to finance protection and management of living marine resources.

- **Minimize threats to life, property and natural resources from coastal flooding, erosion and storms.**

To cope with continuing threats to life, property and coastal resources posed by natural forces, the State should improve existing approaches toward coastal hazard areas. Special efforts should be made to protect dunes, bluffs, barrier beaches and steep shorelines as a first line of defense against flooding and erosion, storm surges, hurricanes and fluctuating water levels. Minimum setbacks for development should be established where they do not exist. The State should also adopt a policy of strategic retreat and selective protection. This approach would foster decisions that protect the public's interest and respect private property rights, while working within the realities of natural coastal processes.

## THE PUBLIC COAST

*Greater access to New York's shores will be available to all residents and visitors to the State. Important open space, scenic, recreational, historic, archaeological and cultural resources will be protected for future generations.*

Access to the coast is an important part of life for New Yorkers. Measures to expand physical and visual access and preserve open space have not been sufficient, particularly in heavily populated areas. We must now reinforce the right of the public to gain access to and enjoy New York's coast.

Key recommendations:

- **Strengthen State coastal policies to protect, restore and enhance the State's coastal open space.**

Open space resources provide a variety of recreational and scenic opportunities for residents and visitors. We are fortunate to have unique diversity in our open space, natural, historic and cultural resources. Such resources include the Hudson Highlands and Palisades, the steep bluffs and barrier beaches of Long Island, the varied resources of the Great Lakes, and the picturesque Thousand Islands of the St. Lawrence River.

The State Open Space Conservation Plan now being developed will assure fulfillment of a vision for land conservation on a statewide basis. The Coastal Management Program must reinforce and enhance these efforts within the coastal area.

- **Develop new State policies and procedures to ensure that environmental factors are fully considered in decisions on public trust lands, and prohibit actions which would extinguish public trust rights in these lands.**

The Public Trust Doctrine provides that lands underwater and lands subject to the ebb and flow of tides are held for the common benefit of the people. Strong reassurances must be given to ensure that the public has lateral access along the shore below the high water mark. At the same time, private property must be protected.

A new policy should be developed to ensure that natural resource and open space values are considered when making decisions about real property transactions in the coastal area. The review process for management of lands now or formerly underwater should be expanded so that sensitive parcels are leased only if appropriate restrictions are in place.

Those underwater lands where natural resource values clearly predominate should be transferred to the Department of Environmental Conservation or the Office of

Parks, Recreation and Historic Preservation. In addition, an appraisal schedule for leases or grants of lands now or formerly underwater should be established with all proceeds dedicated to purchase shoreline areas, wetlands, and underwater lands with recreational value.

- **Support appropriate development and stewardship of coastal lands to provide access for the public.**

Development of access should be carefully planned giving consideration to the inherent qualities of the resources, infrastructure needs, and potential conflicts with neighboring uses. Proper management and stewardship of access facilities should capitalize on partnerships among State and local governments, not-for-profit organizations, volunteers and private landowners.

Existing authority should also be exercised to require development to provide physical and visual access to the coast. Such requirements should be incorporated into State and local decision making processes.

## **THE WORKING COAST**

*Economic growth, new investment, entrepreneurship and job development will be promoted in those businesses dependent upon a waterfront location or upon the living and natural resources of the State's coastal area.*

Many businesses along the waterfront, such as tug and barge companies, commercial fishing operations, marinas, tourism and agriculture, are faced with enormous challenges. Competition for space on the waterfront and on the water has grown. Deteriorating infrastructure threatens the functioning of industry. Regulatory and taxation policies place pressure on businesses, hindering their ability to compete.

The working coast is vital to the economic health of New York State. While protecting the environment, the State must also focus on creating a supportive business climate to ensure the survival and success of water dependent industries.

Key recommendations:

- **Create a comprehensive economic development strategy to reflect the business needs of the maritime industry, the commercial fishing industry, the recreational boating and fishing industry, tourism and coastal agriculture.**

State policies and programs do not go far enough to support water dependent businesses. New and refined policies would identify resources that are critical to help reverse the economic decline, enhance tourism and preserve unique coastal agricultural areas and cultural areas suitable for tourism.

The economic development strategy would focus existing financial and programmatic resources of government and the private sector to foster appropriate growth. Changes would include: increased financial incentives to water dependent businesses; permit simplification; and innovative application of land use tools.

- **Create a positive business environment for water-dependent industry.**

Many factors adversely affect the business climate for water dependent industry. New York State should create a supportive business environment by providing protection against nuisance suits, promoting waterborne transport, and encouraging the development of harbor management plans.

- **Enhance infrastructure in waterfront areas.**

Waterfront infrastructure is essential to developing the full economic potential of the State's working coast. Yet, the cost of making improvements is high. Maintenance and development of docks, commercial port facilities and rail and highway corridors are key to the future of water dependent industries.

## **THE REDEVELOPING COAST**

*Suitable redevelopment of deteriorated, abandoned and underutilized sections of New York's coast will create new opportunities for jobs, housing, recreation, and commerce, and improve the environmental and visual quality of the waterfront.*

Waterfront activity has decreased with the exodus of people and business from older, urban centers, leaving abandoned, derelict and underutilized areas. Poor infrastructure, outdated industrial buildings, and lack of capital have combined to make revitalization difficult.

New York State must restore integrity to certain abandoned areas. Our efforts to renew once vibrant waterfronts will encourage economic growth and increase public use and enjoyment of the coast. Effective redevelopment of deteriorated urban waterfronts can reduce pressure for new development in more pristine areas.

Key recommendations:

- **Using the regional elements of the Coastal Management Program, designate concentrated development areas as focal points for investment.**

The regional elements would define areas of concentrated development where infrastructure, transportation facilities, public services, and environmental conditions can accommodate development. Concentration of development would encourage growth in existing centers, rather than unspoiled areas.

- **Create an environment that is conducive to redevelopment.**

The State should encourage: provision of technical assistance to localities to update and strengthen land use regulations; assessment of existing conditions in potential redevelopment areas; and marketing studies to determine the most appropriate mix of uses in a given area.

- **Foster ongoing revitalization of waterfront areas through infrastructure improvements, public/private partnerships, and public involvement in planning.**

Public expenditures for sewer, road and other infrastructure improvements should be focused on concentrated development areas. Existing State programs should also be used to bolster private development. Of course, the success of any project will depend in large part on our efforts to build and maintain a sense of public pride in urban waterfronts.

## **COMMITTING TO THE FUTURE OF THE COAST**

*Adequate resources will be available to support long-term planning, coastal protection and appropriate development.*

Economic activity of New York's water dependent industries generates over \$20 billion each year. The inherent natural value of our coastal resources is priceless. It is imperative now to maintain and strengthen our investments to protect, restore and enhance our coastal areas.

Many of our recommendations can be implemented without additional financial resources. The Governor's Task Force on Coastal Resources fully endorses immediate action on these items. Other recommendations will require a modest increase in expenditure. We recognize that the current economic climate will prevent full implementation of all the recommendations in the near future. The Task Force has developed an implementation schedule which recognizes these constraints.

Certain steps must be taken as quickly as possible to protect and restore coastal water quality, wetlands and habitats, and to develop clear policies and standards for government actions. Particularly in densely populated urban and suburban areas of the State, coastal resources need protection before their benefits are lost.

Recommendation:

- **The Governor's Task Force on Coastal Resources strongly urges the Legislature to approve the creation of an Environmental Infrastructure Fund.**

An Environmental Infrastructure Fund should be established to pay for urgently needed environmental projects. Through a variety of revenue sources including a fee on tires and a container tax, an Environmental Infrastructure Fund can garner



several hundred million dollars each year to help New York protect its natural resources for future generations.

Major provisions of the Fund would benefit coastal resources and New Yorkers in coastal areas. Sewage treatment plant construction and upgrading and other water pollution control projects would dramatically improve the quality of our coastal waters for recreational and commercial use and enjoyment. Recycling programs will reduce the amount of waste in our waterways. Historic preservation projects will enhance cultural resources, many of which are found in our coastal areas. Land acquisition and access improvements will provide open space, particularly in urban coastal areas. New York's contribution to the Great Lakes Protection Fund will lead to greater improvements in our magnificent lakes.

In addition to these provisions which would benefit the coast, the Task Force proposes that a portion of revenue -- approximately three to five million dollars -- be made available to support capital projects proposed in this report, such as preparation and refinement of Local Waterfront Revitalization Programs and harbor management plans. Over a number of years, implementation of these projects will foster a stronger commitment to our coastal resources.

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Whether we swim or boat, enjoy seafood or scenic views, work or walk along the coast, every New Yorker will benefit from our recommendations -- if we take action now.

The threats facing our coast cannot be solved by a single act. If New Yorkers are to reap the bounty of the coast, meaningful commitments must be made by all. From the local planning board to the New York State Legislature, from homeowners to businesses, we must work together to address the challenges. With patience and resolve, we can ensure that New York's coast is beautiful and productive for future generations.

## **CHAPTER I**

### **INTRODUCTION**

*New York's coast is a gift we have inherited from prior generations... its resources to be treasured, used wisely, and safeguarded. If we are to succeed as stewards for the next generation, we must meet the challenge of the coast today.*

**— Governor Mario M. Cuomo**

The coast is part of the rich tapestry of our lives as New Yorkers. Its natural beauty has inspired generations of artists and poets. Its bountiful resources have provided a livelihood for those who have toiled in its waters and by its shore. Its great cities, small hamlets, and isolated farmsteads have given us a wide range of places to live and work. Its ports have received goods and welcomed immigrants from around the world.

Our coast, the fourth longest in the nation, draws people to its shores. Over 12.6 million people, 72% of our population, live and work in the cities and towns along our coastal waters -- an area that accounts for 12% of the State's land mass. By 2010, an additional 700,000 will join them.

The natural areas along New York's coast provide the highest number and greatest diversity of fish and wildlife habitats. Coastal estuaries and deepwater trenches, large embayments and tributaries, and beaches and dunes are of critical importance to support the diversity of life along our shores. All of the State's tidal wetlands and a significant proportion of its freshwater wetlands are located in the coastal area. Bluffs, barrier islands, and other natural protective features protect inland areas from coastal storms and flooding. These areas are of ecological, cultural, recreational, and economic significance, and wise stewardship is necessary to protect and maintain their values.

At the same time, enormous economic benefits are derived from the coast each year. New York's \$240 million commercial fishing industry brings high quality fish and shellfish to our tables. The work of the men and women on the tugs, barges, ships, and piers in the Port of New York alone generates nearly \$18 billion in wages, services, and sales. The marina operators and recreational fishermen on the Great Lakes, the Hudson River, and Long Island contribute nearly \$2 billion to the State's economy. Farmers, raising orchard crops and grapes on the sheltered coastal plains, produce over \$650 million from their labor.

Some of our activities and uses of the coast's wealth come with a price. Over the past 300 years, we have drained and filled three-fourths of the tidal wetlands that shelter important fish and shellfish. There are only 25,000 acres of vegetated tidal

wetlands left. Over \$10 billion in private investment on the south shore of Long Island is potentially threatened by coastal flooding and erosion, a three-fold increase from 1980. Toxic substances contaminate fish and impede redevelopment of land along Lake Erie. Indiscriminate development in the Hudson Valley diminishes the scenic value of areas enjoyed by millions of people and immortalized by the Hudson River School of painters.

### **Governor's Task Force on Coastal Resources**

The challenges presented by the competing demands on the natural and economic resources of our coast must be met if New York is to move with confidence into the next century. The Governor's Task Force on Coastal Resources, chaired by Lieutenant Governor Stan Lundine, and composed of private and public representatives from all parts of New York State, was created to confront these challenges. The Task Force was charged with developing a long-term plan to manage our coastal areas, and recommending ways to implement the plan at the federal, State, and local levels. The vision guiding us was clear -- to protect, restore, and enhance the environmental, social, and economic fabric of the New York coast.

Recent events have made the Task Force's work even more important:

- Attendance at State beaches and parks increased dramatically. Over twelve million people, one million more than in the previous year, were drawn to Long Island State Park beaches alone.
- More water dependent businesses left the Port of New York, and cargo was lost to other ports, as higher costs, deteriorating infrastructure, and the increasing difficulty of doing business persist.
- Hurricane Bob and the recent Atlantic storm attacked Long Island's shores, causing millions of dollars in damage to public and private properties, and prompting Governor Cuomo to request federal disaster declarations.
- Large sections of urban waterfronts, from Brooklyn to Buffalo, remain derelict and unused, while new development devours open areas along our shores.
- Brown tide has infected the Peconic Bays, as it has in four of the past five years. Eel grass, the base of the ecosystem, and scallops, the jewels of the ecosystem, have declined as a result.
- The Horizons Waterfront Commission is exploring innovative ways to redevelop and restore the Lake Erie shoreline.
- While ocean beaches are glorious and pristine, some beaches in bays and harbors were closed due to raw sewage from combined sewer overflows and runoff.

- Declines in bluefish, summer flounder and tuna have forced limits on the number of fish taken by commercial and recreational harvesters.

The Task Force looked at all coastal waters -- the Sound, ocean and bays around Long Island, New York Harbor, the Hudson River to the federal dam at Troy, Lake Erie, Lake Ontario, and the Niagara and St. Lawrence Rivers -- and the lands adjacent to these waters up to approximately 1,000 feet from the shore. The Task Force also considered the complexity of human activity in the coastal area, from recreation to conservation to commerce to living along the coast. Through its deliberations, the Task Force believed it would be best to build on and refine the existing administrative, regulatory and policy framework.

### **The Programmatic and Regulatory Environment**

Responsibility for protection and management of the coast is now scattered among several agencies at many levels of government. At the State level, programmatic and regulatory activities within the Departments of Economic Development, Environmental Conservation, State and Transportation, and the Offices of General Services and Parks, Recreation and Historic Preservation, among others, affect our coastal areas. The use and development of both public and private land and waters in the coastal area is guided by these State agencies as well as the federal and local governments. The sheer number of laws -- approximately 50 at the federal and State levels, and many more in each of the 27 counties and 250 cities, towns and villages -- and the diversity of their scope and purpose have made effective management of activities complex and problematic.

The State Legislature first attempted to introduce a level of coordination to this mix of laws in 1975, when it enacted the State Environmental Quality Review Act (SEQRA). In addition to requiring agencies to consider environmental factors prior to making decisions, SEQRA set up a process for coordinated review of a proposal by the public, and by all agencies involved at all levels of government. This was followed in 1981 with the Waterfront Revitalization and Coastal Resources Act (WRCRA), enacted pursuant to the federal Coastal Zone Management Act of 1972. The WRCRA created the New York State Coastal Management Program (CMP).

The goal of the WRCRA is to establish a management framework for coordinating State laws and rationalizing decisions of the federal, State, and local governments in the coastal area. That framework, embodied in the Coastal Management Program, is built on 44 policy statements ranging from redevelopment of abandoned urban waterfronts to protection of wetlands. Local governments play an integral role in the CMP through their adoption of Local Waterfront Revitalization Programs.

Despite the numerous resource protection programs and laws that regulate activity along the coast, and our efforts to coordinate them, the wealth of natural resources, from rare species to scenic areas, is still threatened. Significant water dependent industries and businesses still face conflicts as the character of the waterfront changes. Large projects still escape review for consistency with the State's coastal policies. These gaps make it difficult to maintain the quality of life that the coast provides.

## **Existing Regional Efforts**

In addition to the programs, laws and regulations that guide development, there are several significant regional programs and entities that affect the use and management of New York's coast. These include the Hudson River National Estuarine Research Reserve, the National Estuary Program projects for Long Island Sound and New York Harbor, the Hudson River Estuary Program, the St. Lawrence-Eastern Ontario Commission, the Great Lakes Basin Advisory Council, the Great Lakes Remedial Action Plan Program, the Horizons Waterfront Commission, the Hudson River Valley Greenway Council, and the South Shore Hazard Management Program. New York also participates in a number of interstate and international coastal efforts, including the Council of Great Lakes Governors, the International Joint Commission, the Great Lakes Fisheries Commission, and joint efforts with Connecticut and New Jersey.

Each of these programs is designed to address a particular range of regional coastal issues. For example, the Hudson River estuary programs seek to protect and restore the river's natural system. The Horizons Waterfront Commission and the Hudson River Valley Greenway Council, on the other hand, address environmental quality issues within a framework of providing increased public access and economic opportunity within their respective areas. While each of these efforts is different, they share common goals to coordinate and rationalize public and private activities in the coastal area, and to provide a basis for regional solutions to resource and development problems.

In New York State, there is a solid foundation of programs, laws and regulations upon which a statewide framework for improved coastal management can be built. The State must now unify and focus these efforts.

## **The Foundations of the Task Force Recommendations**

To develop the recommendations presented in this report, the Task Force investigated five issues that are central to the continued vitality of New York's coast: public education and awareness; the management framework for coastal decision-making; natural resource management and water quality; public access to the coast; and economic development.

In this report, each chapter is introduced with an overall objective which expresses the general focus of the chapter's recommendations. Each recommendation is first presented in an abbreviated format, then fully explained in the subsequent text. The success of our efforts will not rest with any one or a handful of issues affecting the management or protection of our coastal resources, but in the gradual implementation of all recommendations.

The role of an informed public is crucial. The public can champion a coastal ethic that recognizes the close link between a healthy coastal environment and a strong economy. The Task Force sought ways to heighten awareness and bring coastal information and education programs to more New Yorkers.

The future of New York's coast will be determined not only by the quality of laws and programs guiding development and protection of the natural and man-made coastal resources, but also by the manageability of the process that guides their application.

The Task Force concentrated on ways to refine, streamline, and coordinate the management of activities on the coast. Emphasis was placed on existing government efforts rather than creating new programs or layers of government.

One of the starting points for the Task Force was the belief that maintaining and enhancing the natural bounty of the coast is the foundation upon which the future of New York's coast depends. A strong commitment to environmental quality and the natural and economic benefits the public derives from the coast will continue. The Task Force's efforts, therefore, were directed at defining opportunities to strengthen New York's environmental programs.

The coast belongs to all New Yorkers, and one of our special rights is access to the shore. The State is blessed with a coast offering scenic, historic, recreational, and cultural attractions to residents and visitors alike. The Task Force looked for ways to reinforce visual and physical access to the shore, and to intensify our commitment to stewardship of coastal open space.

Economic development in our coastal areas can play a significant role in New York's future. The Task Force was guided by the certainty that the coast, with wise planning and targeted redevelopment, can and should accommodate a range of economic activities, particularly water dependent business.

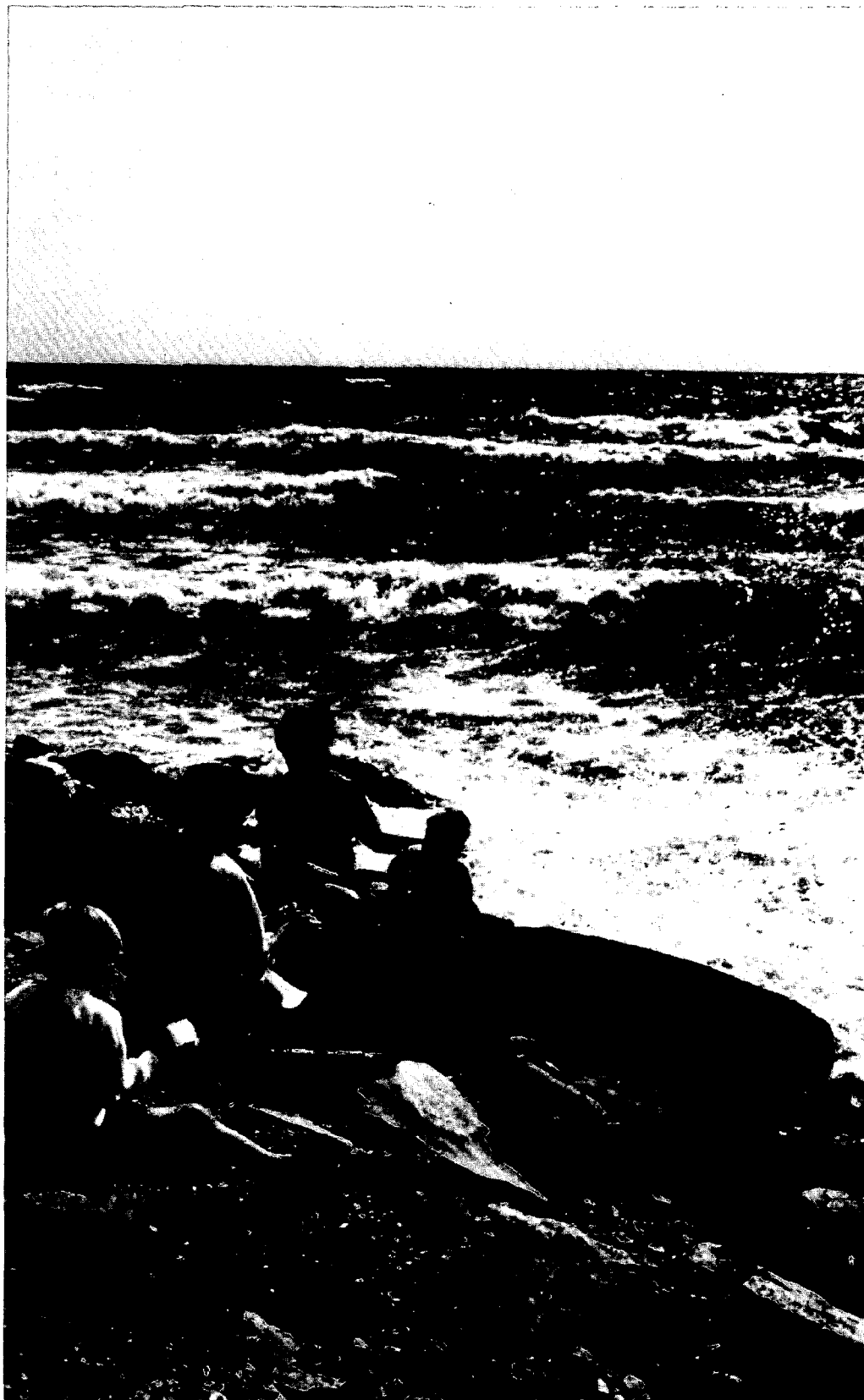
### **A Public Process of Developing the Recommendations**

This report is not only the work of Task Force members. It also represents the work of hundreds of New Yorkers who are concerned about the challenges facing our coast and who came forward to offer thoughtful comments on the future direction of coastal management in the State.

After careful preparation of preliminary recommendations, the Task Force sought out and listened to people who live and work along the coast. In June 1991, the Task Force presented its initial draft recommendations at a two-day statewide conference. Public comment in intensive workshops sharpened and added new dimension to the Task Force's vision. Following the conference, the Task Force undertook a complete redraft of its initial recommendations.

A second round of public meetings in Buffalo, Rochester, New York City, Poughkeepsie, Riverhead, Babylon, Mamaroneck, and Ogdensburg introduced the new draft for citizen comment. Several hundred people, many representing organizations and local government, spoke or wrote to the Task Force, offering suggestions on all aspects of the recommendations. These comments were discussed and debated by the Task Force members. They are reflected in the recommendations that form the basis of an improved approach to coastal management in New York State.

These recommendations are a blueprint for the future. If we pursue them aggressively, we will be remembered as a generation who seized the opportunity to increase rather than diminish the natural, social, and economic legacy of our coast.



*Cape Vincent, Lake Ontario*

## **CHAPTER II**

### **AN INFORMED PUBLIC**

*Relevant information and educational programs about our coast will be available to decision-makers and New Yorkers of all ages. As awareness and appreciation for our coastal resources grow, we will join together to protect and enhance the coast for the future.*

Many New Yorkers are unaware of the wealth, beauty and diversity of our coastal areas. Even though we have the fourth longest coastline in the United States, many of us do not even think of New York as a coastal state. To ensure that the natural, cultural and economic resources of our coastal areas are enhanced in years to come, we must foster greater awareness of their magnificence and priceless contribution to the quality of our lives.

To complement a broad awareness effort, more information about the coast must be made available. All New Yorkers -- from coastal property owners and tourists to environmentalists, businesses and local governments -- need accurate information to make the best plans and decisions about our activities in coastal areas. We need facts and guidance about: what we must do to protect the coast and our waterways; issues and problems in our coastal communities; and relevant state and local assistance programs. We must all become aware of the consequences of our actions.

Valuable information is currently available in many forms around the State. A variety of organizations, including not-for-profit groups, New York Sea Grant Institute, State agencies, New York City and other local governments, have developed excellent materials and programs. Unfortunately, the quality and quantity of information vary from community to community and from region to region. While New York Sea Grant has prepared a "Long Island Directory of Marine Education and Information," for example, no such directory exists for other coastal regions. There is also no coordinated statewide effort to collect and disseminate information.

Further, information and educational programs are not always found by those who would use them. This problem is exacerbated by the lack of coordination among the groups and agencies developing coastal informational materials. Many of the more than 35 existing or developing Geographic Information Systems, for example, use incompatible hardware and software and are based on different standards. Similarly, there is no coordinated statewide program of scientific research and monitoring to ensure that effective coastal management strategies are being developed. Decision-makers rely on this information; we must improve our efforts to provide it.

Equally important, we must educate New York's future decision-makers about the coast and its importance to our State's history and future. Improved school-based coastal education, from hands-on experiences to classroom instruction, will strengthen our children's commitment to protecting and restoring our coast for the generations to come.



An enhanced and more coordinated effort to provide information and heighten public awareness will lead to: greater public enjoyment of and appreciation for the coast; better decisions and more responsible actions by all coastal users; increased economic activity in appropriate coastal areas; and ultimately, a lasting commitment on the part of all residents to protect and improve our coastal resources. More than any other factor, we believe that education and awareness about our coastal areas will ensure that our visions are realized.

#### **A. *Promoting Awareness About New York's Coast***

##### **Recommendation 1**

- **Strengthen New York State's efforts to provide coastal information and heighten awareness about our coastal areas.**

New York State should give higher priority to coastal information and awareness activities. Other states have established successful public education efforts as part of their Coastal Management Programs. Here in New York, the Department of State's Division of Coastal Resources and Waterfront Revitalization (DOS) is capable of taking on a greater role as well. The staff members' day-to-day focus is on coastal resources, and they have access to a wide variety of informational materials. They are also regularly in touch with other agencies and aware of coastal activities.

DOS should strive to coordinate coastal awareness activities at the State level, and facilitate the dissemination of coastal information. In all efforts, the Department should work closely with other State agencies, New York Sea Grant and other organizations, and build on existing resources and programs whenever possible. These State-level efforts should also be complemented and enhanced by those of the regional information and education advisory committees (which are described in Recommendation #3).

Broad coastal awareness efforts, which are described in recommendations #4-6, should be emphasized. Statewide informational programs, such as coastal information data bases, should be promoted and supported as well. Eventually, computerized information should be available in state and local governments, school media centers, libraries, and other public locations. These data bases would also be linked with the coastal Geographic Information System. (See Section B.)

DOS should also support enhanced assistance and information to local government officials, who need more detailed technical information about coastal management and planning, particularly when preparing and implementing Local Waterfront Revitalization Programs. The special needs of local officials are addressed in Section C of Chapter III, The Management Framework for the Coast.

DOS should also work with other agencies to coordinate the dissemination of coastal education materials to schoolteachers across the state. (See Section D.) Particular emphasis should be placed on providing information about coastal educational programs, so that successful programs, such as those offered by New York Sea Grant and not-for-profit organizations, can continue and grow.

## **Recommendation 2**

- **Form a statewide group to support coastal education efforts.**

DOS would chair this statewide coastal education group, consisting of officials from several agencies and organizations involved in coastal public education, including the Department of Environmental Conservation (DEC), the Office of Parks, Recreation and Historic Preservation (OPRHP), the Tourism Division of the Department of Economic Development, the State Education Department, the Department of Health, New York Sea Grant, academic and scientific institutions, and other interested parties.

The group should meet quarterly to review ongoing statewide coastal education and awareness activities, recommend new activities, and coordinate programs and dissemination of information. This group should also work together on major coastal awareness programs and help coordinate state activities with those of not-for-profit organizations.

The primary responsibility for coordinating statewide coastal education efforts would rest with the Department of State, but the statewide group would help determine information needs and set priorities based on availability of funding.

## **Recommendation 3**

- **Provide coastal information that is specific to each region.**

In each region, an advisory committee should be formed to address regional coastal information and education needs. The committee members should include representatives of state and local agencies, New York Sea Grant, Cornell Cooperative Extension, not-for-profit groups, libraries and the educational community. In some areas of the State, similar groups exist; in other areas, a committee should be established. Each committee should select a chair who would be responsible for coordinating regional information activities.

From time to time, several committees should meet jointly to discuss issues that cut across regions. The committees in New York City and along Long Island Sound, for example, would meet to develop informational and educational strategies for issues of common concern.

With the advisory committees' guidance, coastal information and awareness programs would be organized on a regional basis as much as possible. Information about Long Island Sound's water quality and fishing in the Great Lakes would be compiled and made available in those regions, for example. Workshops and outdoor programs on coastal resources would be offered. Coastal directories, health advisories, beach locations and schedules, and permit information are other examples of information that should be easy to obtain in each region. The Department of State in Albany should oversee the regional committees' efforts and bear primary responsibility for promoting and disseminating regional coastal information.

In many instances, high-quality information has already been developed but needs to be promoted and disseminated more widely. The State agencies and the regional advisory committees should utilize the wealth of educational resources already available in each region. A special effort should be made to coordinate with the educational programs of not-for-profit organizations, such as Save the Peconic Bays. In addition, municipalities in each region should be contacted for information about ongoing local coastal information and awareness programs. The regional committees and DOS could then share this information with other communities in the region and other regions around the State.

Additional specific responsibilities of the regional information advisory committees should include:

- Promoting community workshops on specific issues of local concern. The committee should strive to coordinate and maximize the talents of Sea Grant and not-for-profit organizations to meet the demand for workshops.
- Supporting "Coastweeks" and other coastal awareness activities (see Recommendation #6).
- Establishing linkages with local information resources, such as libraries and existing research centers.
- Providing information on how residents and groups can actively participate in improving the coastal environment.
- Assistance in the development and dissemination of coastal information and education materials for teachers. (See Section D.)
- Adapting teachers' packets and other information for use by civic associations.
- Ongoing communication with the regional coastal assistance teams, which will be working with local government officials and others to ensure effective coastal management. (See Section C of Chapter III for additional information on the coastal assistance teams.)

#### **Recommendation 4**

- **Develop targeted coastal education and awareness campaigns to address specific coastal issues and to reach specific groups.**

DOS, working closely with New York Sea Grant and other organizations, should develop and disseminate targeted educational materials and programs as needed.

Examples of materials and programs that should be developed include: programs for pesticide handlers on controlling non-point source pollution; information on techniques to encourage agriculture through Agricultural Districts and other initia-

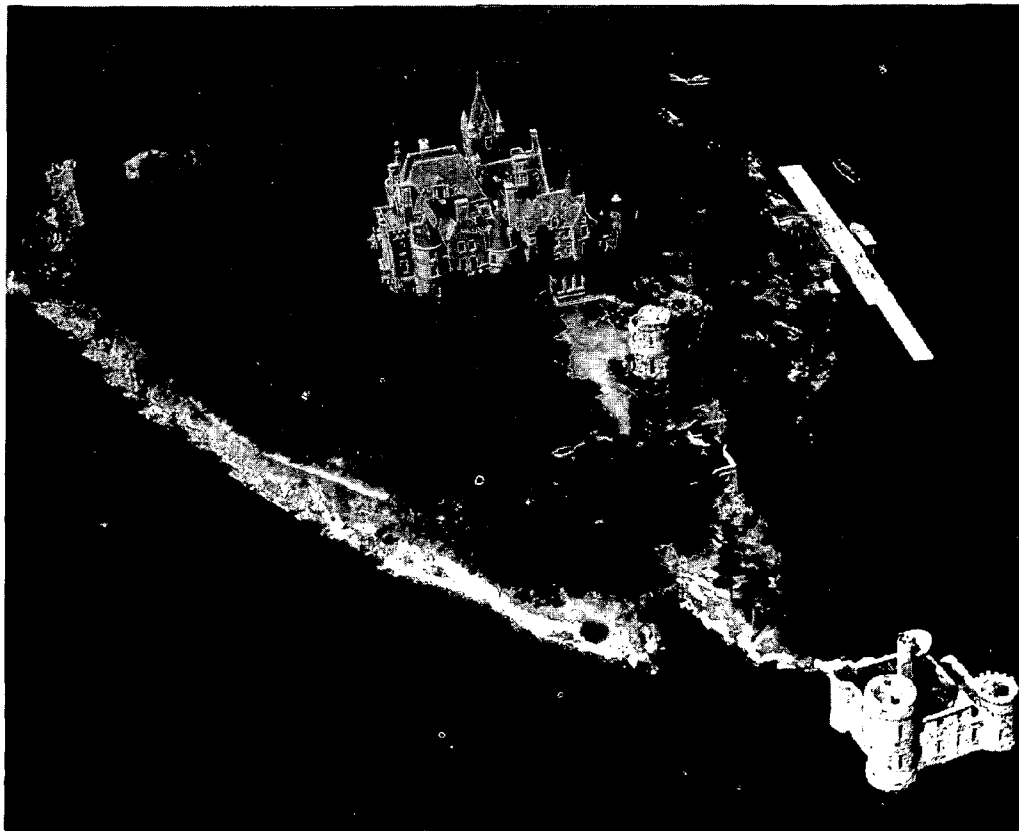
tives; programs for boaters about safe boating practices and other rules, guidelines, and regulations; and awareness campaigns to inform the public about the importance of certain industries to New York State, such as the commercial and recreational fishing and maritime industries. The State should also work closely with the Soil and Water Conservation Districts to develop informational programs for farmers on controlling erosion and nonpoint source pollution.

Whenever possible, existing materials should be used to fulfill program needs. Not-for-profit or other organizations may also be asked to prepare the materials for a specific awareness campaign.

### **Recommendation 5**

- **Disseminate a regularly published newsletter with information about the Coastal Management Program and coastal activities.**

A newsletter is a low-cost means of providing information and enhancing coastal awareness. DOS staff should assume primary responsibility for the newsletter, but they should also work with the members of the statewide coastal education group to develop the content.



*Boldt Castle, Thousand Islands, St. Lawrence River*

## **Recommendation 6**

- **Support an annual "Coastweeks" celebration and other awareness activities.**

Many coastal states participate in the national "Coastweeks" celebration, which occurs every year in the early fall. "Coastweeks" activities include beach cleanups, boat cruises, coastal walks, seminars, photography contests, and concerts. Eighty environmental and civic organizations, coordinated by DEC, have held Beach Clean-Up Days for the past several years. The Governor's Task Force on Coastal Resources also sponsored a successful statewide "Coastweek" in 1991.

"Coastweeks" should now become a regular feature of New York State's coastal awareness efforts. State agencies should work closely with the regional coastal advisory committees, schools, and local governments and organizations to establish "Coastweeks" activities in all coastal regions.

In addition, DOS and the statewide coastal education group should consider some of the following coastal awareness activities:

- Supporting the work of aquaria and interpretive centers. These facilities are traditional sources of coastal information and important tourism destinations. New York State policy should bolster the work they do.
- Preparing coastal publications, such as citizen action guides and public access guides. Publications of this sort are available in some regions of the State and in other states. New York should consider disseminating these materials in every coastal region.
- Using volunteers to protect coastal resources and to promote coastal awareness. Adopt-a-beach and adopt-a-wetland programs enlist volunteers who are responsible for maintaining those resources. Volunteers can also sponsor and lead storm-drain painting projects, beach walks, stream walks, and canoe and boat trips to introduce citizens to coastal and watershed environments and enhance their awareness of coastal issues.
- Developing educational exhibits at beaches and other public coastal areas.

### ***B. Developing a Geographic Information System***

It is now commonly accepted that a wide variety of resource information can be easily used within a Geographic Information System (GIS). A GIS is an automated system for the capture, storage, retrieval, manipulation, analysis and display of information.

An independent study of current GIS activities in New York revealed that more than 35 agencies -- at the federal, state, and local levels -- are already developing GIS's for various purposes. Many of these are quite limited in scope and size, and

others are in early stages of development. The few communities (e.g., Westchester County and the City of Rochester) which have been using a GIS for more than five years consider the GIS an efficient and cost-effective planning tool. In fact, these jurisdictions plan to increase the usage and development of the GIS.

The positive experience of these communities points to the need for a statewide GIS, for coastal resource management and other purposes. The development of such a system will require the coordination and integration of existing efforts, however. The current lack of coordination means that many of the Geographic Information Systems use incompatible hardware and software and are based on different standards. These inconsistencies, as well as the widespread duplication of efforts among the agencies, must be eliminated.

### **Recommendation 1**

- **Through a Governor's Executive Order, establish a high-level working group to coordinate existing GIS systems and develop a Coastal Resources GIS capability.**

Members of the working group should include representatives of state agencies, local communities, and groups most directly involved in coastal resource management, as well as representatives of academia involved with GIS. With the widespread distribution of the increasingly varied GIS technology, decisions about the following must be made in a manner which will promote the objectives of a Coastal Resource GIS: appropriate hardware and software; efficiency versus costs; interchangeability of scales most appropriate to state and local communities; availability of data and uses to be employed by the various contributing agencies; and procedures for data storage and maintenance.

Priorities should also be established for developing the database(s) required for coastal planning, as well as for disseminating existing GIS information. Furthermore, a GIS information clearinghouse will be needed. This clearinghouse would provide information about new GIS packages and uses, and protocols for information exchange, in order to avoid state and local duplication. The exchange of technology and information would reduce startup, development and maintenance costs for all parties.

A Coastal Resources GIS would provide an efficient and cost-effective tool for compiling and analyzing data and for developing and updating coastal plans at regional, county and local levels. State and local decision-makers would also have the information and data they need for permit review, as well as policy and program implementation.

To eliminate incompatible and duplicative work, the development of a statewide Coastal Resources GIS should be a cooperative effort among state agencies, and between state and local agencies. Existing data bases (e.g. wetlands maps, prime agricultural soils maps) should be shared with all agencies and localities. Similarly, local, site-specific data (e.g. tax parcels) needed for planning should be shared with

state agencies to assist in the development of a comprehensive Coastal Resources GIS.

## **Recommendation 2**

- **Once a Coastal Resources GIS is completed, work toward development of a statewide GIS.**

In developing the Coastal Resources GIS, care should be taken to ensure that standards do not differ from those for a statewide GIS and GIS's in non-coastal agencies. The working group should promote specific recommendations for the development of a statewide GIS.

## ***C. Strengthening Research and Monitoring***

There must be a commitment to a sustained program of research to increase understanding about the natural processes that characterize New York's coastal environments and their living resources, about how these processes vary, and about the manifestations and consequences of human interaction with coastal environments. Without this information, developing and maintaining effective management strategies is impossible.

Research is an expression of optimism. If we know and understand more, we can ensure a better environment for future generations by developing strategies for society to live in greater harmony with our environment. The balance between human activities and natural resources must be addressed continually, particularly in heavily populated areas.

Research alone is not enough, however. The challenge now is to transform the results of the research into forms usable by managers and other decision makers who develop management strategies to protect and rehabilitate New York's coastal environments and their living resources. Research on applied coastal issues, which has been supported in the past by the New York Sea Grant Institute, should be encouraged. The results of this work must be shared with coastal decision makers. A fully integrated program of research, monitoring and education in support of coastal management is needed for each coastal region of the State.

## **Recommendation 1**

- **Support adequate research and monitoring to ensure better decision making at the State, local and individual levels.**

New York State should adopt an Estuarine Science-Management Paradigm, which would forge partnerships among managers, other key decision-makers, scientists, educators and environmentalists. As an outgrowth of the science-management partnerships, an integrated monitoring program should be developed for each coastal region, which would build upon, not duplicate, existing federal and federal/state monitoring initiatives.

Monitoring efforts would include air quality and groundwater, both potential sources of coastal pollution. Studies should be conducted to determine the magnitude of coastal impairment from atmospheric deposition of toxins. In addition, long-term monitoring programs are recommended to collect data on coastal processes in areas subject to flooding, erosion, severe storms, and sea level rise. Such monitoring would better enable the State to determine the impacts of future events and design appropriate responses. (See Chapter IV for further details on State responses to coastal hazards.)

DEC and the National Oceanic and Atmospheric Administration should continue and expand the partnership to establish and operate National Estuarine Research Reserves along the St. Lawrence River, Great Lakes, Hudson Estuary and Long Island Sound. These Reserves should be placed under long-term protection and operated as field laboratories where research and monitoring of natural processes and human impacts on coastal ecosystems can provide information necessary for improving coastal management.

DEC and the State University of New York should also enter into a partnership to analyze environmental monitoring data collected from the State's coastal marine waters and to provide annual reports of the status and trends of New York's major environments and their living resources.

## **Recommendation 2**

- **Promote citizen monitoring of the coastal environment.**

Citizen monitoring to identify issues that need further exploration/evaluation should be an important component of any State coastal environmental monitoring program. New York State, working with Sea Grant and other organizations, should promote many types of citizen involvement, from scientific research to simple reporting of oil spills or other problems in coastal waters.

## ***D. Enhancing School-based Coastal Education***

### ***Elementary and Secondary Education***

Environmental education encourages natural resource protection by instilling in young people an appreciation for the environment and the value of its resources to the quality of our lives. In fact, one of the goals of the New York State Board of Regents is to integrate environmental education into all levels of public school education.

The education of schoolchildren about New York's coastal resources can be accomplished in many ways. One of the most successful methods is through direct experiences on the coast and our coastal waterways. Numerous programs, such as the trips of the Hudson River Sloop Clearwater, make indelible impressions on young people learning about the coast for the first time. Demand for these programs exceeds availability, however. Increased support for these types of activities is needed.



Curriculum change can also bring information about the coast into the classroom. It is widely agreed, however, that efforts to enhance coastal education should not have the effect of imposing additional course requirements on teachers. It would be more effective, rather, to incorporate easy-to-use coastal education materials into other environmental education materials. Elementary and secondary school teachers who are interested in coastal education could then integrate lessons on the coast into several disciplines, including science, social studies, economics, English, and art.

Many New York State teachers, such as the members of the New York State Marine Education Association (NYSMEA) and other teachers organizations, are interested in coastal education but do not have access to valuable teaching resources. Existing resources -- classroom materials, data and information -- are not easily available and are not disseminated regularly. An effort must be made to compile and coordinate these resources and make them available to the practitioners. Additional training, resources and programs must also be developed to accommodate teachers' needs.



*Montauk Lighthouse, Long Island*

## **Recommendation 1**

- **Continue and increase State support and corporate sponsorship of coastal education programs and activities.**

Many existing coastal education programs, such as the Clearwater programs and the "Young Mariners Program" at the Science Museum of Long Island, provide valuable learning experiences for teachers and students. The statewide coastal education group, working with the regional education and information advisory committees, should explore ways to promote these programs and use them as models around the State. (See Section A for an explanation of statewide public information efforts.)

Living museums, nature centers, aquaria, and other similar facilities are valuable sources outside of the classroom for furthering coastal education through their "hands-on" approach to learning. However, some coastal education activities, such as field trips, can be prohibitively expensive. The State should work with schools in each coastal region to arrange for low-cost transportation to nearby coastal destinations. Mass transit should be utilized as much as possible. If costs are high, corporate sponsorship for such school trips should be encouraged. The State should also support lower-cost sources of in-class environmental education, such as television programs which are broadcast via satellite.

Local field trips can highlight environmental, historical and cultural resources. In addition, parks and other coastal resources can be used as outdoor laboratories or field stations in many areas. Materials can be developed by park interpreters, nature centers, Sea Grant, and others. As resources permit, state agencies and other organizations could arrange for their staff members or persons from an appropriate local government to be on hand at local coastal sites when students visit.

Other programs, such as Operation Explore, offer valuable field visits to more distant coastal areas. Regional school exchange programs, in conjunction with "adopt-a-coast" activities, can encourage such advanced education experiences. DEC should also pursue establishing a new conservation camp on Long Island's marine coast so that its youth education program would be available in a location that is accessible to urban and suburban populations.

These higher cost programs need financial assistance if they are to be implemented. In addition to providing additional State funding, New York should encourage corporate sponsorship of such programs.

Private funding for school trips should be solicited on a local basis. Localized fund-raising campaigns would encourage corporate sponsors to support programs in their communities. The campaign should be coordinated by a not-for-profit environmental organization, such as Heritage 2000. This environmental organization would be responsible for developing a "how-to" package for local school districts which would detail fund-raising strategies. The fund-raising campaign would place particular emphasis on city school children who do not have easy access to the coast.

## **Recommendation 2**

- **Encourage the implementation of the new middle school science curriculum now being developed by the State Education Department.**

As a direct result of the deliberations of the Governor's Task Force on Coastal Resources, specific information, ideas, and lessons about coastal resources will be integrated into the new middle school science curriculum, called "Science, Technology, and Society." The Environmental Education Advisory Council in New York City is working with curriculum developers at the State Education Department to develop these lessons.

The next step must now be taken. A new curriculum can only be implemented if the teachers themselves are informed and trained. The statewide coastal education group should work with teachers, including members of the New York State Marine Education Association and others, to determine the best way to educate teachers about the curriculum content. After-school teacher workshops and in-service training should be a part of any strategy to educate teachers. Teachers may also need pre-service training in this area as part of the requirements for certification.

## **Recommendation 3**

- **On a regular basis, provide teachers with training, classroom materials, information and data on coastal resources.**

DOS should take the lead in compiling classroom materials and coastal information and data from various state organizations and agencies (e.g., DEC, OPRHP, Environmental Education Task Force, Sea Grant, environmental groups, federal agencies, State and National Marine Education Associations). This information should then be disseminated in easy-to-use "teachers packets." DOS should coordinate its activities with New York Sea Grant, which is already doing a significant amount of teacher education, and work with the regional education and information advisory committees (see Section A) to provide information that is tailored to specific regional concerns.

DOS or the regional advisory committees should meet with teachers annually to evaluate the quality of the packets, identify materials which teachers would like to add to or delete from the packets, and make any necessary changes to the dissemination schedule. It may be useful to establish a formal teachers advisory group in each coastal region to advise on these matters.

The packets should include classroom materials, selected curricula from other states, lessons for student "how-to" activities (e.g., how to test the Ph level of water, how to counteract pollution), bibliographies, and lists of electronic bulletin boards, videos and other resources. The packets should also include an inventory of local environmental and other educational coastal sites where teachers can bring students on field trips.

Teachers in all coastal areas should receive information about other teachers who have been successful in incorporating coastal education into their classroom studies or who have been able to secure funds for coastal education programs.

The packets could be disseminated through local school districts, school science clubs, NYSMEA conferences, or any other routes suggested by teachers. The New York City Department of Environmental Protection currently distributes packets of this nature; DEC has also prepared teachers packets in the past. These efforts should be examined for potential use as a statewide model.

Providing teachers with easy-to-use information will allow them to pursue the "infusion model" of learning; teachers would be able to incorporate coastal education into their lessons, but would not be required by the Regents to do so.

#### **Recommendation 4**

- **Promote and support workshops, conferences, courses, and outdoor programs for teachers.**

Many teachers are eager to receive hands-on coastal education training. State-run programs which provide this type of training, such as DEC's Project Wild and teachers workshops at OPRHP Interpretive Centers, should be promoted and expanded whenever possible. When fiscal realities permit, additional resources should be made available to expand the quantity and quality of programs available.

Teachers should be informed about sources of funds to cover the cost of additional training. Teachers also need incentives to take training courses, such as receipt of credits or salary advances. In addition, teachers should receive a certificate, decal or other recognition for completing workshops, courses, or outdoor programs. This low-cost initiative would highlight a teacher's accomplishment and perhaps encourage him or her to take additional courses. DEC should be responsible for designing the certificate or decal.

#### *Post-Secondary Coastal Education*

#### **Recommendation 5**

- **Make research grants and other sources of funding available to support the development of improved environmental education techniques.**

A common complaint of environmental educators is that it is still unclear what methods of instruction work best. Increased funding for research on this subject would allow for better allocation of resources in the future.

In addition, research grants should be made available to incorporate environmental impact analysis methodologies into the teaching of environmental science. Current environmental science instruction is based on historical and technical scientific study. Environmental impact analysis allows for review of real situations and envi-

ronmental changes. An increased emphasis on this type of study and teaching would allow for more effective and relevant training of future environmental scientists.

#### **Recommendation 6**

- **Support instruction in participation in government & decision-making.**

Citizens and future coastal resource users and managers need training in how to work with government agencies and influence decisions that affect coastal resources. In appropriate areas of post-secondary study, such as planning, political science, and science, curricula should be developed to assist students in developing these decision-making skills. Curricula should include real situations and explore ways to address planning, management, environmental and economic issues in coastal areas.

## **CHAPTER III**

### **THE MANAGEMENT FRAMEWORK FOR THE COAST**

*New York State will refine its coastal management framework to meet the changing needs of New Yorkers and the coastal environment. Government actions within this framework will be clear and predictable.*

More than 70% of the State's population, its major cities, most heavy industry, a majority of its energy facilities, and our most productive agricultural lands are in the 250 communities abutting New York's coastal waters. The 3,200 miles of New York's coastline must sustain the pressures of residential, commercial and industrial development; the demands for recreational use; and the adverse impacts on natural resources, including coastal waters and the quality of the landscape.

As the economy grows, New Yorkers will continue to demand more from the coast -- more energy, food, water, recreation, housing and jobs. Yet pollution, ill-planned development, natural forces and the cumulative impacts of many uncoordinated decisions, raise significant questions about the ability of our oceans, rivers, lakes and streams to meet these demands. Improperly managed growth and development of shoreline areas and use of coastal waters inevitably threaten not only the resources upon which future development and the economy depend, but every New Yorker's quality of life.

Activities on both public and private property affect the quality of coastal resources. Management of those activities is the shared responsibility of the property owner and local, State, and federal governments.

The actions of property owners, both public and private, are governed by approximately 50 separate laws enacted by Congress and the State Legislature. Added to this mix are the laws of 27 counties and 250 cities, towns and villages. Each of these laws was enacted to meet a particular need -- for example, to stop the filling of wetlands and stem decline in water quality; to build sewage treatment plants, highways and parks; to limit uses of certain land parcels within a municipality's jurisdiction.

In 1975, the State Environmental Quality Review Act (SEQRA) was enacted to ensure, in part, that the actions of State and local agencies across New York are reviewed by all parties, and subsequently approved only if adverse environmental impacts, if any, are effectively mitigated. SEQRA was also the first significant attempt to rationalize New York State's and local governments' approval of actions affecting the environment -- a step toward tying government approvals into a comprehensive decision making process.

In 1972, Congress enacted the Coastal Zone Management Act (CZMA), and in 1981, the Waterfront Revitalization and Coastal Resources Act (WRCRA) was en-

acted in New York State. These complementary laws were another step toward rationalizing complex government decision making processes, and were an attempt to establish a management framework for the coast, within which government approvals are to occur.

The CZMA gives the State a degree of control over federal actions. The federal government can no longer approve public or private actions in the coastal area unless those actions are consistent with State coastal policies or State-approved local policies.

At the same time, the WRCRA sets forth goals for New York's coast in the form of 44 policy statements. Through the WRCRA, local governments are encouraged to develop Local Waterfront Revitalization Programs (LWRPs) -- a comprehensive plan for their coastal areas -- giving them an opportunity to refine the policies to reflect local circumstances.

The foundation of a better, more workable and simpler management framework for the coast exists in New York -- successful laws to protect the coast's natural resources, a basic set of coastal policies, a host of local governments committed to coastal management, cooperative federal agencies able to assist in advancing the policies for New York's coast, and a tested and understood environmental quality review process. A number of complex issues, however, need to be resolved. Further rationalization is needed, and more direction given, so that the management framework can better meet public demands for the coast.

#### **A. *Revising the Coastal Management Program***

The 44 coastal policies of the New York Coastal Management Program (CMP) reflect the diversity and interrelationships of the State's interest in the management of coastal resources. The consistency provisions of the WRCRA are intended to tie State agency decisions to those policies. Consistency provides the authority to ensure that proposed projects comply with the standards of the Act, which are expressed in the 44 policies. Together with SEQRA, existing environmental protection laws, some regulatory authority over federal actions in the coastal area, and local governments' LWRPs, it was believed that the WRCRA would ensure that any major action affecting the State's coastal resources would comply with the intent of the coastal policies.

After nearly a decade of experience, however, both public and private actions continue to adversely affect coastal resources and escape the coastal management framework, seriously undermining the intent of the WRCRA. Contrary to the assumptions of the Act, many development activities are occurring in the coastal area without a determination that the activity adheres to or advances the coastal policies. The comprehensive planning and active advancement of coastal policies envisioned in the WRCRA have not fully materialized.

At the State level, regulatory agencies provide the primary means for long term influence over development, protection and restoration of coastal areas and resources.

The reactive nature of the regulatory programs, however, can frustrate the State's ability to achieve some of its basic policies for coastal resources development. In some instances the State can disapprove permits for development as a means of preserving options for the future use of limited coastal land and water resources. The State does not have the full ability, however, to act affirmatively -- in advance of development -- to support appropriate development in partnership with the private sector. Development commitments are usually in place before regulatory processes and agencies become involved. Therefore, proposed unwise development frequently cannot be redirected, but only denied or modified slightly. Development options and resource enhancement efforts are generally addressed after the fact.

The lack of consensus among federal, State, and local governments regarding how each region is likely to be developed poses another problem. The current coastal policies do not reflect the unique requirements of coastal water bodies nor do they articulate community priorities for the protection, enhancement and appropriate use of coastal resources. Without improvements, contradictory government actions may continue to result in increased frustration in the private sector.

New York must now revisit and update its coastal management framework. The Task Force believes that the CMP embodies a workable system for the long term management and enhancement of coastal areas. The program has the potential to achieve integrated planning and management of coastal resources and to provide predictability in coastal decision making within existing systems.

#### **Recommendation 1:**

- **Revise and update the Coastal Management Program to reflect demographic, environmental, economic, and land and water use trends, as well as local priorities, and the conservation and development needs of each coastal region.**

Existing planning activities of State agencies are usually focused on operations or programs within their jurisdiction. The ability to guide sound coastal development and protect coastal resources is diminished because of the State's focus on function rather than a system-wide view of coastal areas.

The lack of a clear articulation of what the public hopes to see occur on the coast hampers the public sector in its ability to encourage private sector development that furthers coastal management objectives.

New York's Local Waterfront Revitalization Program (LWRP) enables coastal communities to plan for and regulate land and water uses, guide coastal development and ensure that such development does not adversely affect coastal resources. Yet, for LWRPs alone, this is a large and difficult task. While LWRPs can provide a link between the State coastal policies and the needs of coastal communities, there continue to be geographic gaps in local participation. On Long Island, 12 of 13 towns are participating, but in the Hudson River Valley only 17 of 41 eligible towns are participating. In the Great Lakes region only 19 of 55 are involved. This une-



ven participation leaves gaps and impairs the public sector's ability to protect and foster appropriate development of coastal resources.

Even where there are approved LWRPs, there is no adequate mechanism for the State to set priorities for its programs and investments based on the LWRPs. Although LWRPs provide a basis for State agencies to establish priorities within individual communities, they do not identify regional trends or patterns that provide a basis for broader management decisions by State agencies.

In considering coastal ecosystems, the geographic occurrence and significance of coastal issues, and the need to better integrate planning and management functions of governments, the Task Force recommends that the Department of State, in consultation with local governments and other State agencies, update the Coastal Management Program by incorporating elements to reflect the unique environmental, economic and social needs of each region. This effort would not create a new entity or a new layer of government, but rather refine and clarify the existing program.

The regional elements of the CMP would serve six primary purposes:

First, the regional elements would analyze trends in land and water uses, and economic and demographic factors that influence development in the coastal area. This work would take into account all existing State, regional, and local plans and fill in gaps with additional studies. Regional elements would be developed from the "bottom-up" by incorporating priorities and policies of existing LWRPs.

Second, the regional elements would provide a basis to refine and tailor the existing State coastal policies to be more specific and reflect the unique features, opportunities, and priorities of the regions. The regional elements would incorporate the coastal policies and objectives of existing LWRPs and the priorities and policies of other regional planning efforts. For example, the Horizons Waterfront Commission's plan for redevelopment of the Erie County waterfront should be included in the Lake Erie regional element. The Commission's plan is to be included in each of the eight LWRP communities in Erie County and would, as a part of the regional element, set investment priorities at the State level. Similarly, the enforceable components of the National Estuary Programs should be incorporated into the regional elements. The Hudson River Estuary Management Plan also should be reflected in the Hudson River Valley regional element.

Third, the regional elements would identify environmentally sensitive areas on which to focus State agency efforts for protection, enhancement, and restoration. Environmentally sensitive areas are those areas where, due to unique and outstanding coastal resource values, the State should grant priority to protection from development. While certain areas previously designated under existing resource protection programs (e.g. freshwater and tidal wetlands, significant coastal habitats) might be identified as sensitive areas, not all such areas would be so designated. The intent of this designation is not to duplicate existing resource designations, but to identify the areas most sensitive to development.

Fourth, the regional elements would identify concentrated development areas where State development efforts should be focused. These might include:

- Locations in developed areas where infrastructure and transportation facilities, particularly mass transit, are already in place.
- Locations where a project might serve as a catalyst for the redevelopment of a blighted or under-utilized area or ameliorate an existing deleterious condition.
- Locations where development can make major contributions to the coastal program in terms of public access, the retention and expansion of water dependent uses, or facilitate expansion of economic activities appropriate to the region.

As with the environmentally sensitive area designation, it is not intended that every location suitable for development would be designated as a concentrated development area. See Chapter VII for additional information on redevelopment of waterfronts.

Fifth, the regional elements would be used to target and set priorities for State investments in the coastal area for both development and natural resource enhancement projects. This priority, to be agreed upon by State agencies and communities in the affected regions, would create an effective joint campaign for State and federal funds, and could ensure more efficient allocation of scarce resources. For example, the land acquisition priorities for coastal regions should be integrated with existing State acquisition plans.

Finally, the regional elements would identify and propose means to resolve conflicts which are multijurisdictional or transcend regional boundaries.

#### **Recommendation 2:**

- **Improve enforcement of the State coastal policies through enhanced provisions of consistency.**

The Task Force recognizes that the present State consistency review process embodied in the WRCRA has not fulfilled its statutory mandate of ensuring compliance of projects and activities with the coastal policies. Frequently, major activities and development occurring in the coastal area escape the consistency review process, or review is limited to only one component of a project. There is no administrative enforcement mechanism for consistency. Under the Act, each State agency is required to certify that its actions are consistent. Thus, a single project requiring approval by two or more State agencies can result in wholly different consistency determinations, adding confusion and delay to the regulated community.

To remedy the problems, the Task Force recommends that the State consistency review process be centralized for certain activities, thereby providing a comprehen-

sive review of significant activities and development in the State's coastal area. Amendment of the WRCRA is recommended to make DOS responsible for administering the centralized consistency review process.

Centralized consistency review would occur for projects meeting certain thresholds and for those located in identified environmentally sensitive areas. Project thresholds and environmentally sensitive areas can be identified under the regional elements recommended by the Task Force to tailor the State CMP. DOS will conduct the State consistency review for such projects.

Whatever thresholds are ultimately chosen, they must be readily identifiable as triggering centralized review. Development activities in the coastal area that exceed those thresholds or are proposed for identified sensitive areas, would be subject to consistency review, regardless of who is proposing the action or the level of government having jurisdiction over the action. These changes to State consistency would not impair or interfere with the power of local governments with approved LWRPs to determine the consistency of activities subject to local approval.

State consistency reviews undertaken by DOS would also incorporate regulatory decisions of DEC when their regulations implement a State coastal policy applicable to the action. Such coordination would remove duplication of reviews between DOS and DEC regulatory programs. For example, if a project requires a DEC wetlands permit, the DEC decision to issue or deny the permit would serve as the determination of consistency with the applicable State coastal policy, Policy 44.

The final, consolidated State consistency determination made by DOS would be binding and subject to the imposition of reasonable conditions for mitigation of project impacts. Time frames and information requirements would be coordinated with other major State permit procedures, as well as the federal consistency review process. DOS, when certifying State consistency, would be an involved agency, and in all respects, subject to the provisions of the State Environmental Quality Review Act (SEQRA).

DOS presently reviews coastal development which is subject to federal agency action for consistency with State coastal policies. Following the Task Force recommendation, DOS would be able to issue one consistency determination for proposed activities and development which require both State and federal agency approvals. After consultation, DOS will, by rule or regulation, establish classes of actions subject to State or federal consistency review for which general concurrence may be issued.

Communities which adopt LWRPs would have the same authority as currently exists to review projects and activities in accordance with their adopted local consistency laws. They would continue to have the same review authority during the State consistency review of activities in their local waterfront areas. When an action is subject to the centralized consistency review and would affect the LWRP community, DOS would continue to receive recommendations from the affected locality in order to make a determination which is consistent with their adopted LWRP.

Implementation of the recommendation would increase compliance with coastal policies, increase predictability in the consistency review process, and demonstrate the State's commitment to its coastal program and LWRPs. The recommendation would also relieve State agencies of the statutory obligations of consistency. The Task Force does not, however, intend to diminish the regulatory or approval authorities of any State agency. As is provided in the WRCRA, this recommendation would not enable the Department of State or an LWRP to cause a State agency to make a decision or undertake an action it otherwise would not.

### ***B. Increasing Local Government Involvement***

Certain critical issues in New York's coastal area, namely allocation of land and water uses, nonpoint source pollution, management of increasingly congested harbors, and erosion of beaches, bluffs, and other shorelands, are among those that can be more adequately addressed in partnership with local governments. Local governments have comprehensive land use regulatory authority and are best able to manage and implement the many decisions and small scale projects which constitute the majority of actions necessary for effective coastal management.

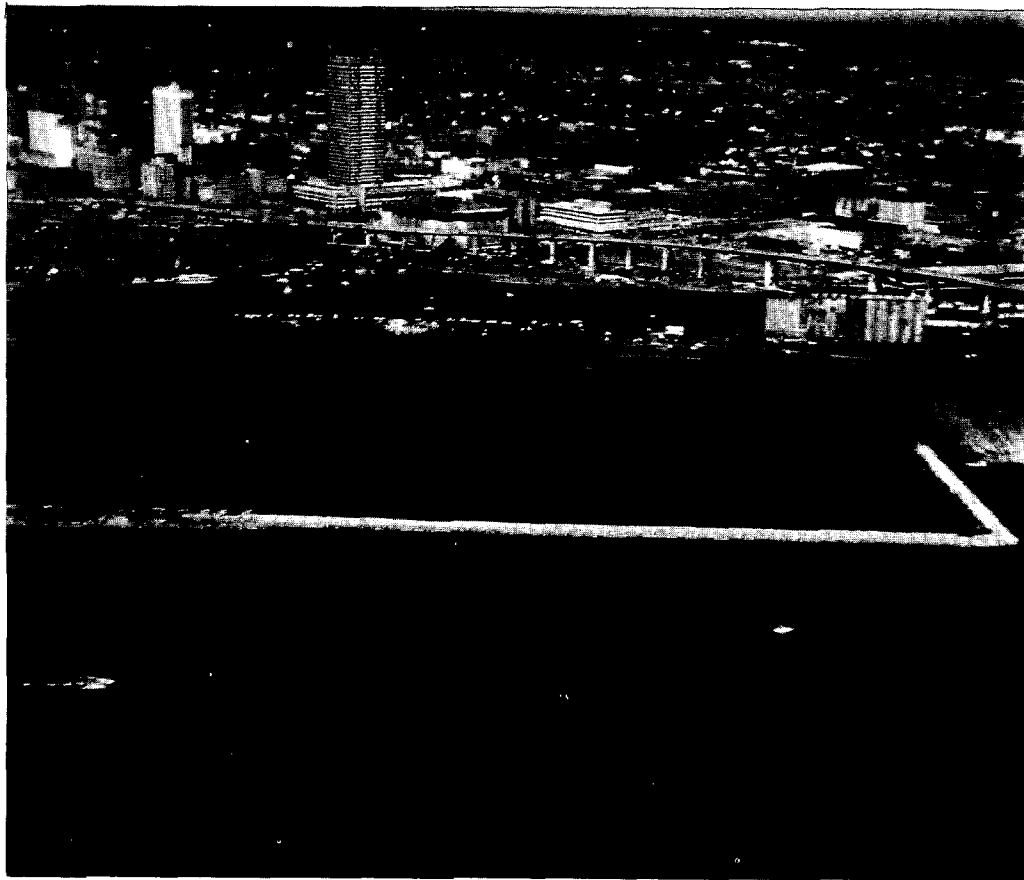
Local Waterfront Revitalization Programs (LWRPs) were established to enable the Coastal Management Program to address the problems and opportunities of coastal development and protection in full partnership with the State's 250 coastal municipalities. To date, 105 coastal cities, towns, and villages are preparing or implementing LWRPs. While these communities have jurisdiction over nearly 70% of the State's coastline and account for 90% of the coastal population, there remain geographic areas in the coastal area not covered by LWRPs.

LWRPs analyze waterfront conditions and allocate land and water uses consistent with State coastal policies. LWRPs also develop capital improvement programs which forecast needs for infrastructure facilities and services. They enhance the State's ability to determine the consistency of proposed actions with coastal policies by providing a detailed analysis of local conditions and an expression of local waterfront objectives.

Despite these benefits, a number of problems in the LWRP process have been identified:

First, the incentives for participation are not adequate. For example, there is no funding for program preparation or implementation and insufficient benefits for having an approved program. Staff resources at DOS are presently inadequate for necessary technical assistance to fully explain the program, help draft the documents, assist in the approval process, follow up with assistance in implementation of approved LWRPs, and provide guidance for continuous updating and periodic revisions of LWRPs.

Second, a number of communities have said that the LWRP preparation and approval process is too long and cumbersome. In addition, the program is not always high on the local agenda and communities do not always have the resources necessary to complete the program.



*Times Beach, Buffalo, Lake Erie*

Finally, State agency compliance with the requirement of consistency with LWRPs has been sporadic. For the most part, local governments have not seen a willingness on the part of State agencies to undertake actions that would implement LWRPs.

In addition to municipalities, some coastal counties undertake major activities, own properties and facilities, and exercise regulatory authority that affects coastal areas. However, counties presently have no direct role in the CMP.

To induce more communities to participate and lift the LWRP higher on the local government agenda, the Task Force recommends strengthening the existing State-local partnership and providing greater incentives for voluntary local government participation. Communities are guaranteed tangible benefits when adopting an LWRP and ensured State agency compliance through improved State consistency provisions.

### **Recommendation 1:**

- **Provide new State funds to assist local governments in the preparation and implementation of LWRPs.**

The WRCRA provides for grants to coastal communities for the voluntary preparation of LWRPs based on the premise that local government, with strong land use powers, must play a central role in implementing the CMP. The Task Force recommends that the proposed Environmental Infrastructure Fund provide funding for capital projects, including the preparation of LWRPs and harbor management plans, as appropriate. (Refer to Chapter VIII for a discussion of the Environmental Infrastructure Fund.) For those activities not eligible for funding from the EIF, alternative State funds will be sought.

Local coastal management activities that would be eligible for funding (from the EIF or other sources) include: preparation of program refinements and amendments; feasibility, marketing and design studies for projects identified as critical to carrying out the program; preparation of new land use controls; harbor management plans; urban waterfront redevelopment studies; wetland habitat and restoration, non-point sources pollution control plans and regulations; public access and trail design; scenic area management plans; seed money for the establishment of local land trusts; and post storm redevelopment plans for coastal hazard areas.

In addition to funding, the Task Force also recommends that legislation be enacted to provide clearer authority to coastal communities with approved LWRPs to plan for and regulate surface water uses and small harbor activities. The Task Force believes that the expanded regulatory capabilities would serve as an incentive for local participation and would be better applied as extensions of LWRPs.

### **Recommendation 2:**

- **Use certain existing State funds as incentives for LWRP preparation and implementation.**

While the State has historically provided fiscal and technical resources to support local development opportunities and local resource protection projects, these efforts have in large part been limited to single purpose objectives. Coastal communities, which have completed a lengthy and comprehensive process, must compete with non-participating communities and with non-coastal communities for limited project funding. Consequently, unique and pressing needs of coastal areas may remain unaddressed; investment opportunities, potentially available through the leveraging of State resources, may be lost; and the partnership and consensus envisioned in the CMP may not be sustained.

In addition to funding for LWRPs in Recommendation 1, whenever feasible, the State should use existing State funds and the proposed Environmental Infrastructure Fund as further incentives for local governments to prepare and adhere to approved LWRPs. The Task Force recommends these funds be allocated so that communities

with approved LWRPs receive additional points in the evaluation of grant awards -- providing a competitive edge in grant situations.

The Task Force does not recommend altering existing statutory authority or program objectives for existing funds, but where feasible, State funding programs should grant preference to projects in approved LWRPs. These include: capital projects to address shoreline erosion; Industrial Infrastructure Development Program; Economic Development Zones; Regional Economic Development Partnership Program; Navigation Law enforcement; Land and Water Conservation Fund; Council on the Arts (architecture, planning, and design program); and disaster relief to local governments for loss of public facilities.

### **Recommendation 3:**

- **Streamline procedures for LWRP amendments.**

If LWRPs are to be an effective basis for public decision making, they must remain relevant as local conditions and circumstances change. Therefore, there must be clear procedures for revising an LWRP. Two procedures are recommended. For major changes in policy and land use, the procedure for amending the LWRP would be the same as that for obtaining program approval. For refinements to the LWRP, communities would merely have to provide notice and then undergo a brief waiting period prior to local adoption and approval by the Secretary of State. The distinction between a major change and a refinement is not one of magnitude but of policy direction. Thus, a substantial change that only adds or elaborates standards is not a major change no matter how extensive. The LWRPs should also be comprehensively updated at periodic intervals.

### **Recommendation 4:**

- **Extend the coastal management partnership to coastal counties.**

Complementing the role of coastal communities, the Task Force recommends that coastal counties become a part of the coastal management process.

First, counties should be encouraged to have coastal plans to guide their own decisions. The incentives and disincentives outlined above would also be used to encourage county involvement.

Second, county decisions, like State and local decisions, should be subject to the requirement that they be consistent with the coastal policies as expressed in their coastal plans.

Third, coastal communities should be able to call upon counties to help in the development and/or implementation of LWRPs. This would be particularly helpful to small communities that lack the resources to develop LWRPs by themselves.

Finally, county coastal plans should serve to advocate coastal policies.

The extent of county involvement in the coastal management process would vary from county to county. The Task Force does not propose that current State-local coastal management relationships be changed -- only that counties be encouraged to have a coastal plan to guide their own actions.

### ***C. Improving Technical Assistance***

Local government officials, interest groups, and private citizens rely upon technical assistance to help them understand issues and adhere to coastal management laws and regulations. Currently, such assistance is provided primarily by the New York State Department of State and New York Sea Grant. The St. Lawrence-Eastern Ontario Commission, the Soil and Water Conservation Districts, and Cornell Cooperative Extension also provide technical assistance services.

The CMP provides technical assistance that furthers the achievement of State and local coastal policies by providing assistance for: 1) the preparation, implementation and revision of LWRPs; and 2) the review of projects and activities for consistency with CMP policies. Special technical assistance projects are also undertaken as needed; current special efforts focus on promoting the State's commercial fishing industry, strengthening the maritime industry, improving hazard area management, and expanding access to the shore for the public.

Technical assistance for preparing and implementing LWRPs includes: detailed assistance on a specific problem or project; direct DOS staff preparation of all or portions of an LWRP; writing a grant application; writing local laws; attending public meetings to discuss an LWRP; holding conferences and workshops for local officials and consultants; and referrals to sources of technical advice or information.

The most valuable aspect of the technical assistance service is the "one-on-one" relationship between a CMP staff person and the LWRP community. The staff person develops an intimate knowledge of his or her assigned communities and takes care of technical assistance needs. Overall, this type of assistance has proven to be helpful to the communities.

DOS staff also review proposed projects and activities to determine consistency with coastal policies. Technical assistance is provided to the consultant, developer, or other applicant if a project needs to be modified to be consistent.

The extension specialists of the New York Sea Grant Institute (a cooperative program of the State University of New York and Cornell University) provide technical assistance and information resource for all users and managers of the State's coastal resources, from elementary school students and researchers to regional planners and public officials. All specialists are available to respond to telephone and "walk-in" information requests.

In addition, Sea Grant specialists try to anticipate questions and undertake proactive educational programs to address major coastal issues. For example, Sea Grant responded early to the growing problem of zebra mussels in the Great Lakes



by providing research and educational programs. The specialists' methods of education include videos, workshops, conferences, training programs, lectures, and publication of scientific research.

Historically, Sea Grant has received requests for research and information about erosion, tourism development, and commercial fisheries development. In recent years, specialists have concentrated on issues of water quality, reflecting a growing public concern.

Due to limited staff and financial resources, DOS and New York Sea Grant are unable to meet the demand for technical assistance. The review and approval process for LWRPs has been slow. The number of DOS staff is insufficient to meet the need for LWRP implementation and consistency reviews. Sea Grant is particularly understaffed in some coastal regions: there are no specialists in the St. Lawrence, Hudson River Valley and New York City areas.

#### **Recommendation 1**

- **Augment existing technical assistance and information efforts to address the needs of each coastal region.**

An interagency team comprised of technical assistance programs and staff should be established in coastal regions to augment existing technical assistance programs. Each team, as appropriate, would consist of designated representatives from DOS, DEC, the Office of Parks, Recreation and Historic Preservation (OPRHP), the Department of Health (DOH), Sea Grant, etc. Team members from all agencies would devote some portion of their time to carry out the functions and duties of the team.

For each region, the team would form a strong network of knowledgeable coastal management experts who would be available to provide technical assistance and information as needed. The cooperative relationship among the team members would improve and expedite the provision of assistance to local government officials and other coastal resource users. The team would also assist in the development of effective regional elements of the CMP.

The establishment of regional coastal teams would not require substantial additional funds for personnel or office space. Most agencies such as DEC and OPRHP already have regional personnel. In addition, no new offices would be created; the team members would be located in existing facilities. Regional offices of one or another state agency could be used (e.g., DEC or OPRHP regional office, SUNY campus, Sea Grant office). A private facility may also be possible in some regions. Whether or not they are in the same location, however, the members of the team would work together to provide technical assistance and coastal information services.

In most cases, DOS staff would take the lead on the interagency team; where appropriate, however, another agency such as the St. Lawrence-Eastern Ontario Commission (SLEOC) might take the lead. The team leader would be a technical assistance

coordinator who would draw upon the resources of other entities to ensure that technical assistance needs are met. The team leader would draw upon the Soil & Water Conservation Districts, for example, for technical expertise which cannot be provided by other members of the team. The team leader must become thoroughly familiar with the operations of other agencies.

Functions and duties of the team would include:

- Increasing the ability to deliver "one-on-one" technical assistance to coastal communities with LWRPs.
- Assisting with the development of regional elements.
- Providing information about current federal, State, and local coastal programs and how these programs affect residents, businesses, etc.
- Responding to telephone and in-person requests for information and assistance.
- Visiting sites of proposed coastal projects and activities and assisting in consistency decisions.
- Communicating with the regional education advisory committees on a regular basis to ensure that ideas and strategies are shared.

#### **Recommendation 2**

- **Support the hiring of additional personnel to enable both DOS and Sea Grant to meet regional technical assistance needs.**

Technical experts are needed to support and expand the "one-on-one" technical assistance and consistency review being provided by DOS in coastal communities. Additional Sea Grant extension specialists are needed to fill gaps in the St. Lawrence, Hudson Valley, and New York City regions.

#### **Recommendation 3**

- **Publish coastal technical assistance "information updates"/"how to do it" publications for local government officials and other interested groups and individuals.**

DOS should work with other agencies to prepare technical manuals, which would support the CMP's LWRP and consistency review responsibilities and the technical work of all agencies. The availability of manuals could alleviate the need for technical assistance by staff. DOS should also consider developing technical assistance videos for local officials and others.

#### **Recommendation 4**

- **Hold periodic technical training sessions/workshops for newly elected officials, members of LWRP advisory committees, new planning and zoning board members, and other interested organizations.**

The rapid turnover of local officials necessitates the establishment of a process which will ensure that newly elected or appointed officials in coastal communities receive complete information about coastal planning and management. Technical training sessions or workshops are an effective way to provide such information. These workshops should be held as needed by the CMP, Sea Grant or any other agency or organization with expertise on the issue.

From time to time, these workshops should also provide an opportunity for information exchange between communities and interested parties. These information exchange workshops would provide a forum for individuals to share their experiences and help create a common commitment to regional planning.

#### **Recommendation 5**

- **Use counties to provide certain types of technical assistance to coastal municipalities.**

Some counties already provide considerable technical assistance to municipalities; others are less equipped to do so. To prevent duplication of technical assistance activities and to ensure that appropriate assistance is being provided to the community, the CMP and each county should establish procedures to coordinate technical assistance services.

#### **Recommendation 6**

- **Use volunteers to provide technical assistance.**

Citizens with appropriate expertise should be encouraged to provide, on a voluntary basis, technical assistance to their own local governments and to other communities. Members of certain organizations (American Planning Association, environmental groups, etc.) or retirees should also be encouraged to provide technical assistance.

#### ***D. Simplifying the Regulatory Process***

Several federal, state and local agencies have regulatory jurisdiction in the coastal area. State agencies with jurisdiction include DEC, DOS, DOH, OPRHP and the Office of General Services (OGS). Some federal agencies have started to coordinate their regulatory processes with the State; the Army Corps of Engineers and DEC, for example, have a joint application process. State and local agency permit procedures and requirements remain somewhat uncoordinated, however, resulting in delays and costs to the regulated community.



*Marina, Lake Ontario*

Applicants for permits in the coastal area have identified several specific concerns with the regulatory process:

- Applicants must fill out many forms from federal, state and local agencies.
- The permit process -- from the time an application is submitted until a decision is rendered -- takes too long.
- Once applications are submitted, regulating agencies often request additional information from the applicant. Requests are sometimes redundant, which suggests that there is limited coordination or sharing of information between agencies or even within an agency.
- Different agencies have different application procedures, time requirements, and terminology.

A first important step toward addressing these concerns will be to coordinate the regulatory processes of New York State agencies. Eventually, all federal and state processes should be integrated, and coordinated with local reviews.

## **Recommendation 1**

- **Simplify and streamline the regulatory process in three phases.**

A working group of representatives from state agencies (including DEC, DOS, OGS and OPRHP), from environmental organizations, and from industry (including the marine trades, maritime and real estate communities) should develop and implement plans to streamline the regulatory process.

Eventually, all State agency reviews would be done concurrently and would conform with uniform procedures. From the time a complete application is submitted, standard time lines would apply to state agencies' reviews; for example, a decision could be made in less than 30 days for an "in-kind" project, 45 days for a minor project, and 90 days for a major project. These targets may not always be attained if the applications require public hearings and the preparation of Environmental Impact Statements.

Our overall goal for the total application review process (from the time an applicant first approaches a state agency to the final decision) is that it will take no longer than one year, except for the most complex and controversial projects.

The working group should recommend significant steps to simplify the regulatory process in three phases. The three phases should take approximately one year to complete. The working group should also ensure appropriate public review and input into its process.

Phase I (three months) of the group's work would include the following tasks:

- Develop basic guides to the permit and consistency review processes. These starter guides would include basic information on the variety of state permits that may be required for projects in the coastal area, and would refer to federal and local permit requirements as appropriate. Building upon existing state agency documents, the guides should provide lists of contacts in the agencies, and should be geared to the small project applicant.
- Promote pre-application and conceptual review conferences. At the applicant's request, state agencies should hold a pre-application or a conceptual review conference. The involved agencies would jointly review the pre-application plans or the application itself and discuss the feasibility of the project with the applicant. The agencies would also review the consistency of the proposal with the coastal policies.

The goal of the conference would be to give the applicant a sense of whether or not project approval is likely, and to give a preliminary review of the proposal's consistency with coastal policies. The conference would also help the applicant determine what changes may be needed to allow the proposal to meet state permit requirements. In addition, a constructive conference would reduce the time agencies must spend on an application.

In Phase II (three months), the working group should:

- Explore the feasibility of developing a comprehensive permit application form. Such an application would integrate all of the forms currently required by New York State agencies (and, whenever possible, federal agencies). Another option is to develop a single application "package" (instead of a single form) which would contain all of the relevant background information and permit applications.

The working group should also consider developing three levels of applications: one for simple replacement or "in-kind" projects, one for minor projects, and one for major projects. Applications could be tailored to certain types of projects as well. For example, an application could be developed specifically for marina projects.

- Develop improvements to the agencies' review processes and to the applications, including: 1) concurrent review of applications by all involved state agencies; 2) uniform procedures and time lines for review; 3) joint public hearings; 4) consolidated site inspection; and 5) standardized terminology. Disparity in procedures and applications should be reduced and/or eliminated to ensure "internal consistency" among the state agencies and to save applicants' time and money.
- Implement expedited reviews for "in-kind" or maintenance project applications. DEC's Standard Activity Permit process serves as a prototype that could be utilized more broadly to include different types of projects. This process could also be used in all of the State's coastal areas.

In addition, New York State should develop a new policy, or legislation if necessary, to create "perimeter permits" for marinas and other related projects. Such permits would authorize minor adjustments to the configuration of existing facilities within such coastal developments. Whenever possible, applications for these permits should be tailored to certain projects, such as docks.

- Develop a new Coastal Assessment Form (CAF). The new CAF would become the second part of the full Environmental Assessment Form (EAF), which is used in the SEQR review process. The new CAF would be used by all relevant State agencies, thereby consolidating initial coastal review. It would provide a clear and comprehensive assessment of consistency with coastal policies.

If possible, the CAF should also be tailored to certain kinds of projects in the coastal area.

- Develop and disseminate comprehensive educational materials. Most permit applicants need better information about the permit process and coastal management policies and regulations. It is anticipated that improving

Local governments, through land use controls and public health efforts, have direct impacts on the coastal resources that require protection. Local efforts to preserve these resources are an essential component of our recommendations. In addition, it is important to recognize that the State and its local governments cannot act in isolation. Neighboring coastal states, the federal government, Canada, and several interstate and international commissions are partners with New York in coastal environmental protection efforts. New York must continue to play a strong leadership role in fostering and participating in cooperative regional resource management and conservation efforts.

### ***A. Enhancing Coastal Water Quality***

One of our greatest responsibilities is to protect coastal waters from further degradation by both point and nonpoint sources of pollution and to take aggressive steps to improve degraded coastal waters. A point source of water pollution is defined as a discharge from a discrete, identifiable location such as a pipe. Nonpoint source pollution includes runoff from agricultural fields, residential lawns, highways or urban streets, seepage from septic tanks, leaking landfills, forestry operations, construction sites, streambank disturbances or small chemical spills or accidents.

New York State's Department of Environmental Conservation (DEC) has policies and procedures in place to address coastal pollution. Among them are the State Pollutant Discharge Elimination System (SPDES) to regulate the discharge of industrial and wastewater treatment facilities, and water quality classifications, which are intended to maintain reasonable standards of water quality by preventing and controlling pollution. In addition, several programs and funding sources are available in conjunction with the federal government, such as the State Water Pollution Control Revolving Fund and the National Estuary Program. Local governments, through construction of sewage treatment plants, adherence to SPDES permits and appropriate regulatory and zoning actions, also do their share to protect coastal water quality.

Despite these policies and procedures, development pressures in coastal areas continue to threaten coastal water quality. The Hudson River, the St. Lawrence River, Lake Erie and Lake Ontario have improved markedly over the past twenty years due to the construction of municipal treatment plants and improved controls of industrial discharges. Use of these water bodies, however, is still impaired because of toxic chemical contaminants. This contamination has necessitated the issuance of fish consumption advisories related to bioaccumulation of pollutants in sediments from past and current discharges, from current point and nonpoint sources, and from present sources of air deposition. Coastal waters surrounding New York City and Long Island also continue to experience impaired use due to conventional pollutants, specifically coliform bacteria and nutrients.

The recommendations provided here build upon the existing tools to improve water quality. They strengthen our ability to address conventional pollutants and provide new means to prohibit the introduction of pollutants to coastal waters, thereby leading to better water quality for the future.

### **Recommendation 1**

- **Protect coastal waters from conventional pollutants, including nutrients, and toxic point sources of pollution through strengthened SPDES permits.**

The State must continue to adopt measures to reduce toxics in effluent discharges into coastal waters, including:

- SPDES permits with prohibitions on the discharge of persistent toxic substances and strict limits on other pollutants;
- Strong pretreatment requirements designed to ensure compliance with SPDES permits;
- Source reduction to help industry in reducing wastes; and
- Bans on some persistent toxic chemicals.

SPDES permits must require Combined Sewer Overflow (CSO) abatement measures to be designed to prevent contravention of all State water quality standards and guidance values. Compliance schedules should be set to give DEC an effective enforcement tool. Pretreatment programs or bans of significant toxic pollutants should be incorporated into CSO abatement programs to address this type of pollution.

### **Recommendation 2**

- **Enhance Federal and State funding to ensure that facilities are constructed to protect coastal water quality.**

The State must press Congress, as part of the Clean Water Act reauthorization, for a significantly greater federal financial commitment to the State Water Pollution Control Revolving Fund in order to provide adequate funds to address CSOs, stormwater discharges, sewage treatment plant construction and upgrading (including facilities for nutrient removal) and the end of ocean dumping of sewage sludge.

A dedicated State revenue source to complement federal assistance is needed. An Environmental Infrastructure Fund (EIF), with revenues provided from a variety of fees, would provide a "pay-as-you-go" source of funding for environmental capital projects in coastal areas. An EIF could support: the State's contribution to the Revolving Fund to help finance sewage treatment plant construction and upgrading and other water pollution control projects; recycling programs to reduce the amount of waste in our waterways; land acquisition and access improvements to ensure the protection and appropriate use of open space; New York's contribution to the Great Lakes Protection Fund, which would lead to greater improvements in the freshwater coastal system.



DEC and the Environmental Facilities Corporation should also improve efforts to promote research and pilot projects on innovative technologies for water pollution control. Projects that hold the promise of significantly furthering our knowledge of wastewater treatment, or that address topical issues, such as the beneficial reuse of sewage sludge, management of CSOs, nutrient removal, nonpoint source pollution control and mechanical aeration of waters with low dissolved oxygen, and are expected to have wide applicability in New York State, should receive primary consideration.

### **Recommendation 3**

- **Control nonpoint source pollution through expansion of water quality certification requirements and through aggressive State implementation of federal mandates addressing this type of pollution.**

Polluted runoff remains the most intractable source of coastal pollution. Because of the difficulty of controlling the numerous and diverse sources of runoff, regulatory programs have been sorely lacking. A mechanism is needed to ensure that runoff from projects in critical coastal areas or projects exceeding a certain size will not degrade coastal waters.

In accordance with federal law, DEC is required to issue a water quality certification for federally-licensed or permitted projects to protect water quality from sources of pollution. We believe that this program must be expanded. Within the coastal zone, a water quality certification would be required from DEC for all projects in sensitive areas and for all projects exceeding impact thresholds, whether or not a federal permit is involved. DEC may have existing authority to undertake such a program.

We envision "statutory impact thresholds" for new water quality certifications to include significant development projects and projects that already require a DEC permit. These thresholds may be different in different parts of the State. In determining these thresholds, DEC should consult with representatives of coastal local governments, environmental groups, national and State estuary programs in New York State, and others prior to recommending a proposal to the State Legislature.

A project would receive certification only if it could be demonstrated that point and nonpoint discharges and other impacts from the project, singly or cumulatively, would not cause or contribute to a violation of water quality standards or classifications. If water quality certification is denied, the project would not proceed. This new authority can only be accomplished with sufficient funding to allow it to be discharged in a prompt manner both fair to protection of the project sponsor and the environment.

The State must also aggressively pursue the development and implementation of a Coastal Nonpoint Source Pollution Control Program, as called for by the 1990 amendments to the federal Coastal Zone Management Act. Under this program the State must implement through enforceable policies, generic management measures

for the control of nonpoint sources of coastal pollution, in conformance with EPA guidance. Additional management measures will have to be implemented in sensitive areas and for land and water uses that individually or cumulatively contribute significantly to the impairment of coastal waters that now, or in the future, may fail to meet water quality standards or to provide for designated uses. The program, which must be completed by the end of 1994, may require the enactment of State legislation to meet the requirements of the federal law.

The State must press Congress for higher appropriations under both the Clean Water and Coastal Zone Management Acts to aid in the development and implementation of the new State Coastal Nonpoint Source Pollution Control Program and in the implementation of the existing Section 319 nonpoint source control program.

#### **Recommendation 4**

- **Use existing State and local legal authorities more effectively to avert nonpoint source pollution.**

DEC should set priorities for implementation of stormwater discharge controls, to achieve the greatest reduction in nonpoint sources of pollution. The efforts of DEC and the Department of Agricultural and Markets to educate farmers on agricultural nonpoint source pollution and to address this type of pollution must be reinforced. State authority under the Tidal and Freshwater Wetlands Acts and the Coastal Management Program should be used more effectively to control nonpoint sources of pollution. For example, DEC should as a matter of course issue permits which preserve the maximum amount of vegetated buffer area and ensure that such area is preserved by the permittee. Our proposals for improving wetlands programs noted below can have important benefits in controlling nonpoint sources of pollution.

The State must place more emphasis on source reduction as the best means of effectively addressing toxics and other material from nonpoint sources (as well as point sources), which also impact stormwater and CSO discharges. This program should include a waste oil tracking program, to certify that waste oil recycling centers are identified to the public as such and are correctly collecting and recycling waste oil. The program should also explore product bans and substitutions as a means of limiting floatable and toxic materials originating from households or littering. To further reduce sources of toxic contaminants, local governments should conduct household hazardous waste education programs. DEC must be aggressive in the development, application and testing of new and advanced technologies for recycling and reuse of solid wastes to keep pollutants out of our streams, lakes and rivers.

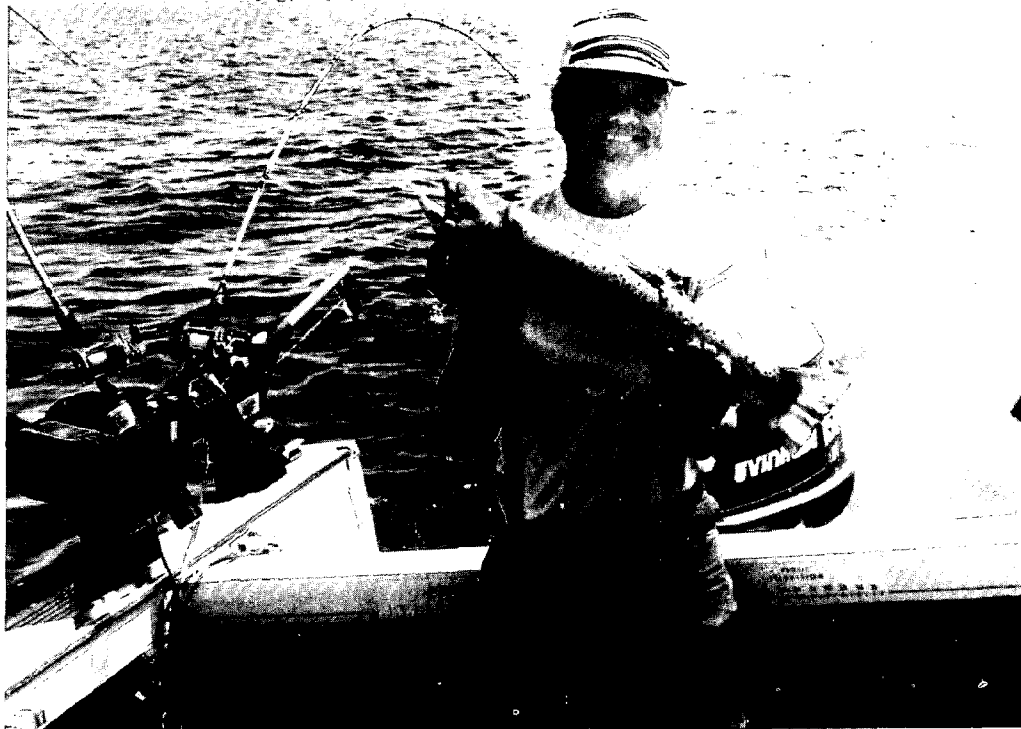
DEC and the Departments of State (DOS) and Health (DOH) should determine whether existing septic system controls as administered are sufficient to protect coastal ecosystems and should recommend appropriate changes to county governments.

Finally, LWRPs and the regional elements discussed in Chapter III should more fully take into account water quality classifications and the need to address nonpoint sources of pollution through control of land and water uses. Land use control methods to address this issue should include control of building on steep slopes; limiting building on impermeable surfaces; strict best management practices at construction sites; vegetative buffers and setbacks.

#### **Recommendation 5**

- **Upgrade water quality classifications and strengthen the State's anti-degradation policy to protect pristine waters and restore water quality in polluted areas.**

DEC should evaluate and upgrade coastal water quality classifications wherever possible. Such classifications should be designed to protect pristine waters and enhance the restoration of water quality in polluted areas. Important and valuable coastal waters should be considered for designation as outstanding national resource waters into which harmful discharges would be severely curtailed or eliminated. In conjunction with this upgrading, the State should adopt a generic anti-degradation policy designed to further protect and restore the quality of coastal waters.



*Fishing, Lake Ontario*

## **Recommendation 6**

- **Encourage water conservation to improve the effectiveness of sewage treatment facilities.**

Water conservation can improve water treatment effectiveness and such efforts should be encouraged. DEC, municipal governments and, where applicable, the State Public Service Commission, must encourage water conservation through revision of rate structures, building code changes, leak detection and SPDES permits.

## **Recommendation 7**

- **Uphold and strengthen New York's support for and participation in interstate coastal efforts to provide benefits to New York's coastal environment.**

New York's participation in the Council of Great Lakes Governors and the National Estuary Program, as well as its support for the Toxic Substances Control Agreement and the Great Lakes Charter, are examples of positive involvement in cooperative regional initiatives. The success of these efforts has been possible because of a commitment by the State to participate and provide leadership. Continued support by New York for these and other regional efforts must be upheld and strengthened.

Federally supported estuary plans are now underway for Long Island Sound, New York Harbor and, soon, the Peconic Bays. State plans are underway for the Hudson River and the Great Lakes. These plans will include important water quality recommendations which should be incorporated into the State's CMP and which should provide guidelines for regulatory and capital expenditures to improve water quality.

DEC, in the context of the estuary management plans being developed for Long Island Sound, New York Harbor and the Hudson River, should set target levels for the reduction of nutrients and contaminants and timetables for accomplishing such reductions. The State should aggressively implement a policy that, at a minimum, assures no net increase in total nutrient loadings from both point and nonpoint sources into Long Island Sound.

## **Recommendation 8**

- **Remediate contaminated sediments to upgrade coastal water quality.**

DEC should develop a comprehensive sediment management strategy, including the promulgation of a set of sediment quality standards. Such standards would:

- Recognize and complement the criteria currently being developed by the U.S. Environmental Protection Agency (EPA); and
- Guide the SPDES permit conditions, nonpoint source programs, Army Corps of Engineers dredging permits and remediation projects.

DEC should compile a survey and review the in-place contaminated sediments throughout the State. The State should focus remediation efforts on those areas where there is a known sediment contamination problem. Funding programs are needed to address the problem of contaminated sediments and to undertake appropriate management strategies, including remediation efforts where appropriate. New York should explore mechanisms, complementary to existing federal programs, to ensure that adequate funds and technology are available to address this problem.

#### **Recommendation 9**

- **Continue to ensure the success of the federal Ocean Dumping Ban Act.**

DEC should encourage those New York State communities temporarily dumping sewage sludge in the ocean to embark on necessary pollution prevention programs, such as corrosion control and household hazardous waste collection, in order to improve sludge quality and thereby enhance the disposal and utilization options available for sludge. DEC must ensure the success of the Ocean Dumping Ban Act by reviewing its sludge management policies and removing unnecessary regulatory barriers that may impede environmentally sound land-based sludge management.

#### **Recommendation 10**

- **Through actions by New York State, its coastal neighbors and its coastal municipalities, ensure that activities on the water do not affect coastal water quality.**

The U.S. Oil Pollution Act of 1990 and State statutes of similar substance provide a comprehensive state/federal framework for dealing with oil spill prevention, pollution, and remediation from accidental releases from vessels, oil terminals and pipelines. However, the efficacy of these statutes turns on their effective implementation. To that end, State and federal agencies should ensure that clear lines of authority are delineated governing spill response in each coastal region of the State and that standards of training and quality in the handling and movement of petrochemical products are strengthened.

It is further recommended that efforts be continued to strengthen navigational safety and that pilots licensed by and accountable to either the State or the federal government be required for all intra-port movements of foreign flag vessels and U.S. flag vessels under registry. Cooperative working agreements relating to safety of navigation should be encouraged between New York, New Jersey, Connecticut, Rhode Island and the United States Coast Guard, all of whom share a vital interest in and commitment to the safety and protection of our coastal environment.

DEC should undertake a review of its current program to grant water quality certifications for navigational dredging permits. DEC should comprehensively evaluate federal dredging projects by using a set of water and sediment criteria or standards to determine impacts of dredging and dredge disposal on water quality. The criteria/standards would be used to guide how the dredging is done and how dredge material is disposed.

DEC and local governments should regularly sponsor clean-up programs to remove litter from back bays and other shoreline areas in order to reduce the amount of floatables entering coastal waters. Volunteer efforts could be used to carry out such programs. The State, counties and local governments also should ensure adequate pump out facilities are in place for boating wastes and that sewage treatment plants are available to treat such waste.

### ***B. Protecting Coastal Habitats***

All tidal and many freshwater wetlands are located in coastal areas of New York. They are vital and productive natural areas providing fish and shellfish nursery grounds, wildlife habitats, flood and storm protection, water resource benefits, recreation, open space, and natural treatment of pollution. These areas are subject to significant development pressures, leading to the destruction or despoliation of their ecological resources. Starting well before the enactment of State laws to protect tidal and freshwater wetlands, many were lost or impaired by draining, dredging, filling, excavating, building, polluting, sedimentation and erosion.

Only 25,000 acres of vegetated tidal wetlands remain in New York State and roughly ten percent of this remaining acreage is privately owned. Historical losses also have occurred in New York's freshwater wetlands. Protecting and improving the quality of the remaining tidal and freshwater wetlands and, where necessary and desirable, encouraging a "net gain" in these ecosystems are the most appropriate ways to ensure a continuation of the ecological benefits of wetlands for the future. While DEC has long implemented wetlands restoration and enhancement programs on State-owned wetlands and wildlife management areas, attaining a net gain goal for coastal wetlands will require substantial enhancement of DEC's efforts. This must include using funds from a dedicated revenue stream to support State as well as municipal enhancement efforts.

#### **Recommendation 1**

- **Protect the remaining tidal and freshwater wetlands bases, restore the functions and values of existing wetlands, and encourage the creation of a "net gain" in the quality and quantity of wetlands in coastal areas.**

The filling or degrading of any mapped, vegetated tidal wetland must be permanently prohibited for all but the most critical uses of overriding statewide or regional significance. Stricter limitations are needed on activities in upland areas adjacent to tidal wetlands to prevent degradation and to take into account accelerating sea level rise. Stricter limitations also are needed on activities in upland areas adjacent to freshwater wetlands to prevent their degradation. These limitations must take into consideration the need to maximize setbacks of activities from wetland areas.

DEC should ensure that its tidal and freshwater wetlands regulatory policies adhere to the following protocol:

- Avoid negative impacts on wetland resources in permit approvals and other actions;
- Where some negative impacts cannot be avoided, ensure that appropriate and practical steps are taken to minimize them; and
- For unavoidable adverse impacts that remain, require permit applicants to undertake compensatory mitigation efforts, such as restoring existing, degraded wetlands.

DEC should use the Tidal Wetlands Act to protect tidal wetlands and submerged vegetation in the Hudson River (above the Tappan Zee Bridge), rather than relying on the Freshwater Wetlands Act which regulates wetlands over 12.4 acres in size and wetlands less than 12.4 acres which are of unusual local importance.

The State must develop and implement a significantly enlarged wetlands restoration and enhancement program by undertaking improvements to State-owned tidal wetlands and allocating funds to assist localities in restoring and improving municipally owned wetlands. The Environmental Infrastructure Fund should provide a dedicated revenue stream that could be used for the acquisition of environmentally sensitive coastal areas, including important tidal and freshwater wetlands and upland buffers, and for the restoration of wetlands. This restoration and enhancement program will in no way substitute for the protection of existing wetlands nor as mitigation for the development of any wetland.

LWRPs should take into account coastal wetlands and the need to properly protect them through appropriate land use controls. For example, LWRPs should utilize density restrictions and other land use controls to minimize the cumulative impacts that development in upland areas may have on wetlands.

## **Recommendation 2**

- **Reinforce coordination of State and federal actions pertaining to coastal wetlands and to significant fish and wildlife habitats to improve the permit process.**

In addition to State reviews of tidal and freshwater wetlands permit applications, the federal Army Corps of Engineers and many local governments also have wetland regulatory authority which may be applied in New York State. Many have noted that the State and federal programs are not consistent, leading in some cases to duplicate permit applications and, often, greater uncertainty for the regulated community on permit approvals.

The State should undertake a careful review of means to provide better coordination with federal and local wetlands regulatory activities. Possible State actions could include establishing a joint federal/state review procedure.

Finally, it is recognized that DOS and DEC do not have the authority to ensure all State actions are in compliance with policies to protect designated significant fish and wildlife habitat. Requiring all State actions, such as funding, permitted activities and direct actions, to be in compliance with the Significant Coastal Fish and Wildlife Habitat program (whether or not there is an approved LWRP) would aid in the protection of these areas.

### **Recommendation 3**

- **Adopt the Wetlands Conservation Plan and enact statutory changes to better protect freshwater wetlands in coastal areas.**

The long term Wetlands Conservation Plan now in progress must be adopted to guide wetland protection and management. Statutory changes to strengthen protection for freshwater wetlands in the coastal zone should be enacted, including:

- Significantly increasing fees for freshwater wetlands permits and penalties for violations, with an earmarking of the money to the Environmental Enforcement account; and
- Lowering the 12.4 acre minimum size for freshwater wetlands jurisdiction.

Subdivision approvals should also become a covered action under the Freshwater Wetlands Act.

### **Recommendation 4**

- **Improve wetlands data and enhance enforcement of State laws regarding wetlands to improve State and local protection efforts.**

A wetlands data and information base on the status and trends of the State's wetlands should be maintained to help identify rates and causes of loss and the effectiveness of mitigation. The State should improve availability and quality of wetlands data to local governments to assist their efforts in protecting these resources.

More tools and resources are needed for enforcement of the tidal and freshwater wetlands program such as requiring developers of major projects to post bonds and allowing for liens against properties with wetland violations. Tax assessors should be required to take State restrictions into account in assessing the value of property containing wetlands.

### **Recommendation 5**

- **Expand state and local participation in the North American Waterfowl Management Plan to improve habitat management.**

The North American Waterfowl Management Plan (NAWMP) was initiated in 1986 and targeted two of our coastal areas -- the lower Great Lakes-St. Lawrence Basin



and the Atlantic Coast -- for immediate attention. Four Focus Area plans are under development, but only the St. Lawrence Valley Plan is presently being implemented. DEC should expedite the remaining plans and assess the need for additional plans. Localities not currently involved should be contacted for recommendations for additional areas. DEC should also explore, with cooperating federal agencies, the possibilities for expanding this program to include habitat enhancement for all migratory species, including raptors, waders and songbirds, all of which utilize the major coastal flyways.



*Hudson River wetlands*

#### **Recommendation 6**

- **Enact legislation and take administrative actions to protect the habitats of significant coastal fish and wildlife species.**

While New York has adequate laws to prevent the killing and possession of threatened and endangered species and the sale of products made from them, there is no law which specifically protects their habitats. Unwise land use decisions may cause the further decline or extirpation of endangered and threatened species. Legislation should be enacted, consistent with existing regulatory authority in the Environmental Conservation Law, to preserve the habitat of endangered and threatened species of fish, wildlife and vegetation in coastal areas. Enactment of Governor's Program Bill #86 of 1991 would create a statutory essential habitat program to protect the habitats of endangered and threatened species from unwise or destructive land use decisions.

The State should develop site specific management plans for designated coastal fish and wildlife habitats. These plans should set long term objectives, provide a basis for reviewing State actions for consistency, target land acquisition and restoration and provide guidelines for local communities to use in establishing land use controls to protect habitat from harmful upland development. All State actions (permitting, funding, direct actions) affecting designated significant coastal fish and wildlife habitats, whether such actions are inside or outside the coastal area, should be consistent with the State's Coastal Management Program. Currently, not all such actions are subject to the consistency requirement.

Significant fish and wildlife designations should be expanded to include significant plant species. Existing legislation that identifies endangered, threatened and rare species of plants in the State's coastal areas should be strengthened to prevent the destruction of such plants by development and, where the impacts of development threaten their destruction, to deny approval of projects. Existing penalties for illegally collecting protected plants should be greatly increased. Coastal policies and LWRPs should address all wildlife and fishery values even if no "significant habitat" is designated.

#### **Recommendation 7**

- **Provide urgently needed funds for research on zebra mussels in New York State.**

The coasts of New York can be, and have been, significantly affected by the introduction of exotic species. The recent spread and explosive growth of zebra mussels in the Great Lakes is evidence of the negative consequences of such introductions. Recently enacted federal legislation (the Non-Indigenous Aquatic Nuisance Prevention and Control Act) authorizes approximately \$30 million per year for five years for programs to prevent, research and manage aquatic nuisance species in the Great Lakes and elsewhere in the nation. Unfortunately, administration funding requests in support of this legislation are far below the authorized level. New York needs to promote effective funding of this important program and to continue its own support of zebra mussel research. Such research is especially important for the development of non-chemical mechanisms of control on water intake pipes.

#### **C. *Managing Fishery Resources***

Many species of finfish, crustaceans and shellfish have been over-harvested by both commercial and recreational fishermen from New York and other coastal states. For example, important fish stocks such as summer flounder, winter flounder, scup, weakfish, sea bass and cod have been depleted because of overfishing. In order to provide future generations with a sustained harvest, fishery resources must be better managed and fishery abundance must be increased. The State must manage fish, crustacean and shellfish resources so that these resources maintain healthy populations at levels capable of supporting a sustained harvest and ensuring their use and enjoyment for future generations of New Yorkers. Management of any one species should respect its relationship with other species.

The commercial and recreational fisheries of this State are of tremendous importance. Coastal commercial, recreational, tourism, wholesale and retail fish market activities provide billions of dollars in income, provide substantial numbers of jobs and are the backbone of many local economies. Properly managed, they are compatible with protection of the environment. Clean water -- a fundamental environmental goal -- is also necessary for recreational activities, such as swimming, and commercial/recreational activities, such as fishing.

The State's marine resources are the property of all New Yorkers. For many, the only access they have to these resources is through the consumer purchase of New York harvested fish. In order to continue to allow for the greatest public benefit from the marine resources, fishing, distribution and marketing should be encouraged in New York State.

Essentially all of the State's principal marine and estuarine fisheries are migratory and require cooperative management by many coastal states and the federal government. Established mechanisms exist for determining the management needs and implementing necessary management measures for inter-jurisdictional fisheries. Fishery Management Plans are prepared which describe the biology of the principal species and their fisheries, establish management objectives and needed harvest regulations, and specify data and information requirements for future management.

In the Exclusive Economic Zone (the zone extending from three miles offshore to 200 miles), such management plans are prepared by federal Fishery Management Councils, which include states among their members, and must be approved by the federal National Marine Fisheries Service. For fisheries in state waters, management plans are prepared and adopted by the Atlantic States Marine Fisheries Commission. In Lake Erie and Lake Ontario, fisheries management plans called Lake Plans have been developed for the Great Lakes Fisheries Commission. The recommendations of such plans must then be implemented by each participating state for a plan to be effective.

Many management plans establish framework provisions whereby management measures must be adjusted periodically, usually annually, in response to biological criteria in the plan. For example, season lengths, size of limits or annual harvest quotas may be varied according to changes in stock biomass or mortality rate. Examples of framework plans include the Bluefish and the now-developing Summer Flounder Management Plans.

Notwithstanding these mechanisms, more resource protection and management need to be done coastwide and within New York State to eliminate the overfishing of our major stocks of fish and to maintain the stocks in healthy condition in the future.

## **Recommendation 1**

- **Provide responsible, consistent management and continued public benefit from fisheries through action by New York, its neighboring coastal states and the federal government.**

Responsible management measures for recreational and commercial fisheries, based on sound fisheries science and the best scientific data available, should be developed and implemented. These measures should be consistent with management measures developed by the Regional Fishery Management Councils, the Atlantic States Marine Fisheries Commission and the Great Lakes Fisheries Commission.

The State must urge Congress to adopt federal legislation that penalizes states for non-compliance with management plans adopted by the Atlantic States Marine Fisheries Commission. The Atlantic Striped Bass Conservation Act adopted several years ago requires states to implement the provisions of the Commission's Striped Bass Plan under penalty of a federal moratorium on fishing for striped bass in the offending state's water. That Act has effectively assured that all states have implemented the provisions of the Striped Bass Plan. Congress should consider extending its provision to other species such as bluefish, fluke, weakfish and lobster for which a number of individual states have not adopted the Commission's management recommendations.

The origin of brown tide episodes in eastern Long Island waters remains a mystery. Research should be continued to determine the causes, and hopefully, methods to avoid brown tide blooms. State efforts to restore resources damaged by brown tide, including eelgrass and bay scallops, must be continued and enhanced.

The State should support efforts of towns to manage and enhance shellfisheries in town-owned underwater lands. Enhanced technical and financial support and enforcement should be provided.

## **Recommendation 2**

- **A saltwater recreational fishing license should be put in place to finance protection and management of New York's living marine resources.**

Given the high intensity of recreational fishing in New York's coastal zone, a saltwater recreational fishing license is desirable and would produce additional income for management and protection of marine resources. Fees would be directed to the Marine Resources special revenue account, and would supplement and enhance existing General Fund appropriations to DEC. A recreational freshwater fishing license is already required in all states. At least eight states already require a saltwater recreational fishing license. A marine recreational license would substantially increase the availability of federal funds to New York State for the enhancement of living resources. DEC has estimated that an additional \$4 million annually would flow to the State if such a license were required. Proceeds from this fee should be restricted for use in fostering and protecting marine resources.

### Recommendation 3

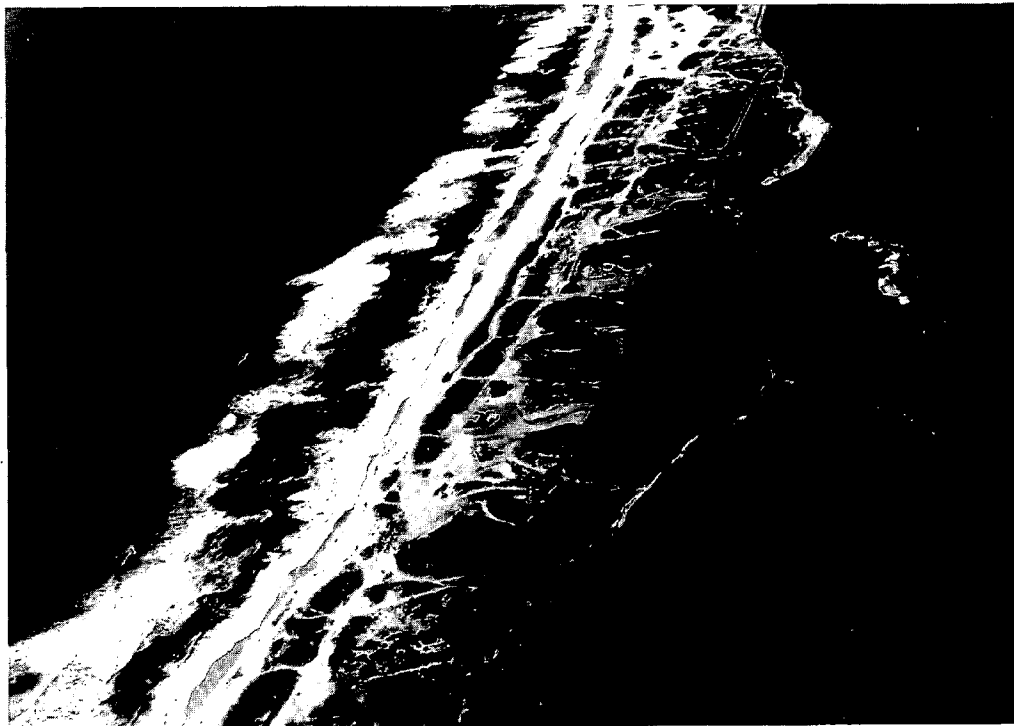
- **Enact a statute to express a State policy on fisheries management and adopt a comprehensive fisheries management policy to clearly identify State priorities for fisheries.**

Unlike the federal government, which has clearly set forth its fisheries management policy in the provisions of the Magnuson Fishery Conservation and Management Act, New York State has no such expression of legislative policy for the management of coastal fisheries. Such legislation needs to be adopted. In addition, DEC should adopt a comprehensive fisheries management policy which sets forth the specific policies and principles by which it will identify, support and implement fisheries management regulations.

### Recommendation 4

- **Strengthen State actions to protect the public from contaminated fish, shellfish or waterfowl.**

New York State should, to the maximum extent possible, ensure that the public is aware of those areas where consumption of wild fish or wild fowl should be restricted or limited because of contamination. DEC and DOH should review the health advisory program and investigate the possibility of posting areas where fish or wild fowl contamination exists.



*Barrier Island, Southampton Town*

## ***D. Protecting Natural Features***

While numerous federal, State and local programs have been designed to discourage inappropriate use and development of coastal hazard areas, these efforts remain largely inconsequential compared to the problems and the complexity of government and private sector activities that affect the use and development of such areas. Moreover, while there is a general understanding of the dangers of flooding and erosion, storm surges, hurricanes and sea level rise, there is a lack of data to correlate how severe these future events will be at specific locations.

The recommendations propose to improve the management of hazardous areas along the coast and better respond to the continuing threats to life, coastal property and natural resources. There are many possible approaches that government can and has taken toward areas prone to coastal erosion. These recommendations serve to build upon those approaches and modify them, as necessary.

### **Recommendation 1**

- **Protect dunes, bluffs, barrier beaches and steep shorelines to provide natural coastal resources and property owners with a first line of defense against sea-level rise and possible global warming.**

Because coastal sand dunes and barrier beaches provide effective protection against shore erosion from storms, and because they provide an excellent natural habitat for plants, wildlife and birds, New York should strengthen efforts to prevent their destruction. These naturally occurring structures are our first line of defense against sea level rise and possible global warming. In already developed areas, dune enlargement or construction may help protect existing development.

Practices for pursuing this policy include: allowing enough room between the beach and building development, as well as between the back side of the dunes and development, for dunes to form and migrate naturally or be artificially constructed; building dune cross-overs for connecting the beach to the interior; preventing both pedestrian and vehicular traffic or any construction on the dunes; after a storm, encouraging relocation of structures built on or too close to dunes; repairing dunes damaged by human activity; and encouraging studies of dune processes and ecology by scientists. Since wide, fronting beaches are an important source of sand for dunes, this beach/dune interaction should be recognized in encouraging shoreline protection. Marshlands on the interior shores of barrier islands also perform important natural protective functions, such as absorbing storm water, and likewise should be protected.

Bluff and steep slope shorelines, which occur along the north shore and east end of Long Island and along much of the Great Lakes shorelines, like dunes, provide protection from coastal erosion and storm effects. The stability of the bluffs is aided by maintaining a healthy, natural vegetative cover. DEC's Coastal Erosion Hazard Area Management Program should provide greater setbacks from the bluff edge or

steep slopes to discourage harmful landscaping and other practices that threaten the stabilizing vegetation.

## **Recommendation 2**

- **Develop an explicit policy of strategic retreat and selective protection in coastal hazard areas.**

To more clearly spell out where it makes sense and where it does not make sense to build in coastal hazard areas, the Task Force proposes that a policy of strategic retreat and selective protection should be adopted.

The State would implement the policy by working cooperatively with local governments, property owners, environmental groups and others. The policy would identify erosion and storm-prone areas appropriate for protection. These areas would include: those of heavy public use or of year-round high population density (for example, urban areas); areas containing existing major public infrastructure; or natural geomorphic areas which provide critical protection to resources of overriding statewide significance. This policy would better allow cost/benefit decisions to be made to protect the public's interest in shoreline areas, while working to the greatest extent possible within the constraints of natural coastal processes.

Protection of such areas should not adversely affect the adjacent environment. Soft solutions (such as beach nourishment) are environmentally preferable to hard solutions (such as groins and seawalls) because the soft solutions have been shown to be less likely to have adverse environmental effects. Public funding for protection should be allowed only for areas where there is a clearly demonstrated statewide or regional public benefit to be derived. A policy of retreat that allows natural coastal processes to take their course should also be pursued. State and local officials should encourage the use of the National Flood Insurance Program for selective relocation.

## **Recommendation 3**

- **Establish minimum setbacks for development from coastal shorelines where they currently do not exist, or are inadequate to protect critical natural protective features (i.e., dunes, beaches and bluffs) from degradation and destruction.**

New development should not be permitted seaward of these setbacks. Setbacks or buffer zones should be incorporated into local coastal area zoning as well as State regulatory programs. Such setbacks should be periodically updated and should reflect both varying erosion rates, storm exposure and expected sea level rise.

#### **Recommendation 4**

- **The Governor should issue an Executive Order requiring State Agencies to limit public subsidies and expenditures in federally identified Coastal Barrier Resources Act areas, in coastal high hazard areas, and in additional areas identified as such in the regional elements in Chapter III.**

Of particular concern are State expenditures for public services and infrastructure. This recommendation is not intended to preclude open space acquisition or public expenditures to provide reasonable public access to the shore for recreation.

#### **Recommendation 5**

- **Army Corps of Engineers maintenance dredging projects must provide for disposal of dredged materials in accordance with State priorities.**

In order to reduce expenditures and not squander valuable natural resources, all clean sand of suitable grain size, resulting from inlet maintenance dredging, should be placed in the nearshore or on beaches down drift of the dredged inlet. At the present time, much of the sand dredged from inlets is disposed of offshore. The State should request that the Army Corps of Engineers streamline its process for providing sand from nearby dredging operations to local areas in need of beach nourishment.

#### **Recommendation 6**

- **The Governor should use his authority to designate to the maximum extent possible coastal barrier lands for inclusion into the Federal Coastal Barrier Resource System.**

Under the Federal Coastal Barrier Improvement Act, the Governor has until May, 1992, to add "otherwise protected" lands to the Federal Coastal Barrier Resource System. These lands can be privately owned, locally owned, or owned by the State. The Task Force recommends that the Governor designate, to the maximum extent possible, coastal barrier lands for inclusion into this system. This designation would help prevent future unwise development in the coastal hazard zone.

#### **Recommendation 7**

- **Strengthen existing efforts of State agencies to regulate development in coastal areas and improve local and State preparedness for coastal emergencies.**

DOS, DEC and the State Emergency Management Office should work together to improve the State's response to erosion and storm damage by: developing special construction standards for incorporation into State and local building codes; developing coastal hazards considerations for incorporation into certification require-



ments for building inspectors; evaluating the need to strengthen flood plain management and coastal erosion hazard area management programs; providing training in construction standards and coastal hazards education for local inspectors; and preparing in cooperation with local governments post-storm redevelopment plans consistent with the policy of strategic retreat and selective protection.

#### **Recommendation 8**

- **Property in coastal hazard areas should have that designation recorded on tax maps and official records in municipal clerks' offices.**

Public and private property owners should be made aware if their properties are potentially subject to severe coastal flooding and coastal storms. In addition, designations should be required by the real estate agent, lending institution and in contracts of sale for pending property transfers.

#### ***E. Enforcing Coastal Natural Resource Protection***

Coastal and marine law enforcement activities that are conducted by DEC can occur under several laws, such as the Tidal Wetlands and Freshwater Wetlands statutes. Particularly in downstate areas, the workload to enforce environmental laws has been steadily increasing. Staffing has not kept pace with this workload. While DEC will continue to make a concerted effort to maintain the quality of the coastal environment through enforcement actions, additional resources are necessary.

Public policy in New York and the nation has evolved to legally establish that parties responsible for hazardous waste sites and oil spills should be required to compensate the public for certain natural resource damages. The potential to obtain significant financial settlements for injuries to natural resources has already been demonstrated in well-known cases. After the Exxon Valdez oil spill in Alaska, a \$1.0 billion settlement was rejected by the Court as insufficient to compensate the state for injuries caused by the spill. A mechanism is needed by which New York State can rapidly carry out and pay for the evaluation and the restoration or replacement of natural resources injured by various environmental insults, using money damages recovered from polluters.

#### **Recommendation 1**

- **Place higher priority on enforcement of environmental laws in the coastal zone.**

A higher priority needs to be placed on enforcement of environmental laws in the coastal zone. A task force of Environmental Conservation Officers dedicated to coastal and marine law enforcement should be created. This unit can be supported by a saltwater recreational fishing license.

## **Recommendation 2**

- **Dedicate staff to recovering natural resource damages to ensure against future coastal environmental degradation.**

Successful implementation of the natural resource damages policy in New York requires the commitment of staff and resources to assess and document injuries to the State's natural resources, pursue cases of natural resource damages, and oversee the restoration or replacement of damaged natural resources. Prompt recovery of natural resource damages, an important deterrent to environmental insults, can help restore degraded coastal systems. Assuming the availability of natural resource damage monies to support additional staff, a unit dedicated to recovery of additional natural resource damages should be established within DEC.

## **CHAPTER V**

### **THE PUBLIC COAST**

*Greater access to New York's coastal shore will be available to all residents and visitors to the State. Important open space, scenic, recreational, historic, archeological and cultural resources will be protected for future generations.*

The protection and conservation of resources has historically been of great concern to New Yorkers. Recognizing current obstacles to this endeavor, there is a need to strengthen our resolve to preserve additional, fast-disappearing resources which contribute to the quality of life in the State and the conservation of our heritage. The State Open Space Conservation Plan now being developed will assure fulfillment of a vision for land conservation on a statewide basis. The State Coastal Management Program (CMP) must reinforce and enhance these efforts within the coastal area.

Access for the public -- both physical access to the coast and visual access to its scenic areas -- is an important part of life in New York State. In reviewing the need for State action to protect and restore coastal resources, the Task Force recognizes the essential right of the public to gain access to and enjoy New York's coastal resources. There is also a clear need to redouble our efforts to increase opportunities for public access to the coastal shore, particularly in heavily populated areas.

#### **A. Conserving Open Space**

New York State is diverse in its open space, natural, historic, cultural and recreational resources. The Hudson River Valley, lined by the Palisades and the Hudson Highlands, the steep bluffs and barrier beaches of Long Island, the varied landscapes of the Great Lakes and the picturesque Thousand Islands of the St. Lawrence, along with associated recreational and historic assets, are an integral part of this diversity.

Open space resources contribute substantially to the quality of life of New Yorkers and the variety of opportunities available to residents and visitors. Open space is important in protection of ecological processes and environmental quality, providing recreation, and increasing human knowledge through education and research. In addition to these direct benefits, intrinsic benefits result from protection of these resources. Even if people do not use these resources, they may benefit from the knowledge that the resources will be available for future use by them and their children. The fact that open space resources exist can give people a feeling of well-being associated with stewardship responsibility and the satisfaction that others may be able to enjoy a treasured asset.



*Hudson Highlands, near Bear Mountain*

Recognizing the need to conserve open space resources while at the same time providing proper guidance at the State level, legislation was enacted in 1990 which required the Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP) to prepare a State Land Acquisition Plan. This plan was intended to guide the selection of land acquisition projects and to provide for the conservation, protection, and preservation of open space, natural, historic and cultural resources and the enhancement of recreational opportunities.

DEC and OPRHP recognized, however, that effective policies to protect these resources involve -- in addition to acquisition -- a combination of State, local and private efforts, and thus the scope has been broadened and the plan named the State Open Space Conservation Plan. The plan is in the draft stage of development.

Working with nine regional advisory committees established under the 1990 legislation, the planning process has identified important open space areas. The analysis undertaken suggests that open space conservation efforts ought to be focused within a limited number of important areas within the State. Conservation of the most important resource values within these areas can then create a framework of open space which will ensure ecosystem integrity, environmental quality and recreational opportunity for future generations. Priority should be given to conserving critical open space systems, such as within the coastal area.

In recognition of the open space needs identified through the process of preparing the plan, the Task Force feels that the State CMP must provide greater emphasis to these resources in the coastal area, and we strongly support reasonable funding to meet the need for open space conservation. At the same time, we must assure that acquisition of open space in the coastal area respects local concerns, the recommended regional elements of the CMP, and the Open Space Plan regional advisory committees mentioned above. Heavily populated, urban areas deserve emphasis in protecting open space. In certain other areas, such as the St. Lawrence region, where there are already substantial public lands, the State's acquisition of additional lands would be more limited.

#### **Recommendation 1**

- **Develop an explicit coastal policy to protect, restore, and enhance the State's coastal open space, and strengthen existing policies to provide for protection, restoration and enhancement of these resources, as well as access to the shore.**

The State CMP is currently silent regarding protection of open space resources in general. Although most of the various components of open space -- rivers, wetlands, marine waters, significant habitats, agricultural areas, scenic areas, and historic sites -- are discussed in the CMP, an active policy is needed to assure that the loss of open space resources in the coastal area is reversed.

One of the State CMP policies is to "protect, restore and enhance natural and man-made resources which are not identified as being of statewide significance but which contribute to the scenic quality of the coastal area." The policy on scenic resources of statewide significance, however, is only to "prevent impairment". The latter policy should thus be strengthened to "protect, restore and enhance" scenic resources of statewide significance. A related recommendation to modify one of the coastal recreation policies is contained in Section C of this chapter.

Protection of open space will be an issue which must be explicitly addressed in the proposed regional elements of the CMP and in LWRPs. Areas needed for public use and enjoyment should be identified and should include geographic areas which generally would remain free of development. Development activities would also be evaluated for their consistency with protection of open space.

Through effective implementation of these policy changes, coastal lands now held by State agencies other than DEC or OPRHP would be examined to determine their open space values. State coastal lands which should be protected would be retained by the public through transfer to an appropriate agency.

## **Recommendation 2**

- **Provide a reliable, long term source of funding for preservation of open space in the coastal area.**

Virtually all State funds from past bond acts for various open space, parkland and historic preservation purposes have been expended or committed. The Task Force recognizes that combined with other efforts, land acquisition is an important element in protecting the State's resources, such as habitat and water quality, as well as providing adequate public access to the shore. In a 1987 statewide survey of the general public, the highest agreement rating on any of the questions in the survey -- 70.4% -- was for the statement "government should purchase additional public access to water resources such as lakes, streams, beaches and oceanfronts."

The draft State Open Space Conservation Plan documents the need to provide public funding, among other strategies, to acquire in full fee or by easement open space resources in order to provide waterway access, parkland and recreationways, and to protect habitats, historic and scenic resources. Development pressure in New York State, and potential loss of open space, is greatest within the coastal area. Thus the Task Force strongly endorses public acquisition of open space resources in the coastal area.

In addition to State land acquisition in the coastal area, funds are needed for grants to local governments such as were provided under the 1986 Environmental Quality Bond Act, particularly where acquisition is recommended within LWRPs or proposed regional elements. Direct acquisition by the federal government is also a desirable conservation strategy, such as for National Wildlife Refuges where exceptional wildlife resources exist.

The draft State Open Space Conservation Plan recognizes that a comprehensive approach to land conservation is needed. In addition to acquisition, the draft plan consists of a multi-faceted approach to include such strategies as public/private partnerships, tax incentives, and comprehensive planning and protection efforts.

The source or sources of funding must be sufficient not only to acquire high cost coastal land, but also to provide proper stewardship of these lands which will assure their long term protection. (See Section C of this Chapter.)

### ***B. Preserving the Public Trust***

The Public Trust Doctrine provides that certain resources are held by the State for the common benefit of the people. The Task Force is particularly interested in public trust rights with respect to lands under tidal waters and certain navigable freshwaters. When the foreshore is covered by tides or high water, the public may use the water covering the foreshore and underwater lands for boating, bathing, fishing, recreation and other lawful purposes. When the foreshore is exposed at low water, the public may pass and repass over the shore as a means of access to reach the water for these lawful purposes and may use foreshore lands for recreational purposes.



*East Hampton, Atlantic Ocean*

Access to the shore from the water is also protected by national and State navigation rights which are substantial and well-tested in the courts.

Inherent in the nature of public trust lands is that they support diversified and important ecosystems without which many public rights, including fishing and swimming, would be impossible to enjoy. The public interest demands the preservation and conservation of these vital natural resources against pollution, overuse, destruction and infringement by others, whether public or private.

It is recognized that private property is protected through common law and statutory requirements dealing with rights of upland owners. These owners have riparian (river or stream) or littoral (ocean) rights which allow them reasonable access and docking. Riparian and littoral rights are subject to State rules and regulations, including those providing for environmental protection, as well as public trust rights.

In New York State, the sale, lease, disposal and transfer of State-owned real property, as well as the management of these assets, is centralized within the Office of General Services (OGS). Part of the responsibility of OGS involves determining the public and private interests in State-owned lands and waters through documentation of existing encroachments and restriction of unwarranted development, while recognizing the legitimate exercise of littoral or riparian rights. OGS implements procedures for coordination of State real property transfers with other State agencies, local government and interested parties.

Some of the real property under the jurisdiction of OGS is land now or formerly underwater. Generally, the State retains title to those lands to the last known location of the shoreline prior to the placement of any fill. In other words, a shorefront owner cannot acquire title to lands underwater by filling those lands.

### **Recommendation 1**

- **Develop an explicit coastal policy to prohibit actions which would extinguish public rights in public trust lands, and aggressively apply that policy.**

In some cases, owners of private property that is adjacent to the publicly-owned shore and underwater lands illegally restrict lateral access along the shore. Even where public rights-of-way to the shoreline exist, use of the shore itself is sometimes restricted by private beach/no trespassing signs. The State must provide strong reassurance that the public is allowed lateral access along, and use of, the shore below the high water mark. Any State property interest in formerly underwater lands should be used, to the maximum extent practicable, to assure access.

DOS also needs to provide more information to local governments and to the public about where and how the public trust doctrine applies to different coastal regions and localities.

### **Recommendation 2**

- **Adopt improved review procedures for State real property transactions in lands now or formerly underwater in the coastal area, to ensure that public access, natural resource and other open space values are fully considered.**

The environmental review process in place for management of lands now or formerly underwater should be expanded to ensure that environmentally sensitive parcels are not leased or are leased only with appropriate environmental restrictions. The terms of any lease of underwater lands should ensure that public access is continued and the public's rights under the Public Trust Doctrine are not diminished. Underwater lands should be reviewed and those underwater lands where natural resource values clearly predominate should be transferred to DEC or OPRHP for management.

The Task Force recommends that lands now or formerly underwater with open space values -- natural resource, scenic, public or recreational values -- should be preserved in the coastal area through this process. The proposed review and transfer process developed must also be mindful of any property rights which may be retained by upland owners as determined by OGS, but can include lawful environmental restrictions on use of the property. In some cases, the State may retain or purchase development rights in lands for public access and other public trust rights.



An appraisal schedule for leases or grants of lands now or formerly underwater, should be established with all proceeds dedicated to purchase of public shoreline areas and tidal and freshwater wetlands and underwater lands with recreational value. A set aside for administrative costs is appropriate to retain staff currently working on the underwater lands program.

The State's sale or lease of public trust lands now or formerly underwater in the coastal area would be carefully limited to those instances where the sale or lease will not result in uses that will adversely affect coastal water quality and the natural resource values of the lands. Moreover, public trust rights (including access) and interests in these public trust lands in the coastal area will not be limited or extinguished by such sales or leases.



*Sacketts Harbor, Lake Ontario*

### ***C. Increasing Public Access***

The demands for all forms of water recreation are among the highest of all recreational needs, and are not being adequately satisfied due to inadequate public access. Most of the need for additional water access is in coastal areas, such as along the marine shoreline, the Great Lakes, and the Hudson River; the need is particularly evident in urban coastal areas.

Through implementation of other recommendations of the Task Force with regard to open space and Public Trust, acquisition (as well as protection through other techniques) of coastal lands which can provide physical or visual access to coastal water bodies will be encouraged. Additional actions to assure public access are needed, however.

## **Recommendation 1**

- **Support appropriate development and stewardship of coastal lands which provide or which have potential to provide public access and recreation.**

It must be recognized that provision of public access and recreation requires, in most cases, appropriate development of adequate infrastructure. Particularly at harbors, boat launch sites and beaches, amenities are required for water-oriented recreation. Access for the public is provided by both the public and private sectors. For instance, privately owned marinas are an important element in providing access for the public and need support for proper site planning and development.

On the Great Lakes, a basic need is to increase the number of harbors of refuge to shelter boaters from fierce lake storms. This undertaking can require construction of breakwaters, dredging, bulkheads, and docks. In addition, the annual massing of salmonid fishermen has placed great stress on the ability of communities to provide launching facilities, lodging, fish cleaning stations, moorings and dock space, and adequate road access, all without conflicting with neighboring residential uses.

Along the Hudson, most publicly accessible docking for fishermen and transient boaters is found at municipal landings. Lack of funds has hindered maintenance of these facilities by local governments.

On Long Island, shoreline erosion, littoral drift and changing water levels cause great public concerns for the protection and enhancement of natural beach systems as well as the protection of access and recreation. This issue is discussed under Recommendation 4.

Development and management of land and water bodies to provide public access must also be sensitive to the inherent natural qualities of coastal resources. In particularly sensitive environmental areas, certain levels of public access may not be appropriate. Provisions for scientific and educational study of these areas should be made wherever possible.

The demand for and provision of various water-oriented activities generate potential conflicts with coastal resources as well as among user groups. Plans for development and management for access must minimize conflicts among water-oriented activities, and consider such aspects as safety and insurance. Efforts to design, develop and manage access facilities and other amenities should capitalize on partnerships by State and local governments with not-for-profit organizations, volunteers and landowners. Such partnerships are essential to certain types of access projects, such as for harbors, recreationways, or greenways. These techniques also engender cooperation among groups thus reducing the potential for conflicts.

While public access may sometimes lead to environmental degradation, this need not be the case. Proper stewardship of public lands must be provided, through such actions as the preparation of master plans, controls on the level and type of public

cess, appropriate management of resources, regular maintenance of facilities, and appropriate security. Other creative techniques for protection may be utilized. For instance, access accompanied by environmental interpretation can lead to a better understanding and appreciation of the resource and in turn, garner advocates for its preservation and instill responsible behavior.

Funding is needed to support rehabilitation of existing infrastructure, provision of additional facilities as appropriate, and stewardship of lands to ensure continued protection of resources and wise public use.

### **Recommendation 2**

- **Modify the State CMP policy on water dependent and water enhanced recreation to assure proper protection and maintenance of existing recreation areas.**

One of the public access policies is to "protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities..." While the policy on water dependent and water enhanced recreation appropriately calls for such recreation to be "encouraged and facilitated, and...given priority over non-water-related uses along the coast...", the protection and maintenance of existing water-related recreation is not made explicit. This can be easily remedied through a modification to the wording of this policy.

### **Recommendation 3**

- **Greater use of existing authority must be exercised to require physical and visual public access in the context of State and local regulatory processes, including consistency determinations.**

There are a number of regulatory techniques available to increase public access to the waterfront. Localities may establish zoning districts, where appropriate, which prescribe water-related uses to facilitate public access for recreation. Open space and waterfront access may be required through the review and approval of subdivisions, site plans and/or special permit approval processes. Design criteria and standards for large planned developments can also ensure provision of waterfront access. Fees for the acquisition of public access at locations other than that of the planned subdivision may also be required.

State authority, too, exists for providing public access in the context of projects designed for other purposes. For instance, the State Department of Transportation is authorized to acquire land to provide multi-use areas adjacent to State highways, and to provide recreational, natural and scenic areas along (not necessarily contiguous to) State highways. Other public access provisions concern abandoned railways, transmission line rights-of-way, and purchase of access rights on privately owned or leased lands for public recreational use of fish and wildlife resources.

All feasible and legal possibilities should be explored for protecting open space and providing additional access as a multiple use in conjunction with development projects. Imaginative proposals for accommodating appropriate types of access and related facilities within development should also be encouraged.

#### **Recommendation 4**

- **Public access must be enhanced and assured in actions undertaken to protect and manage the natural shoreline.**

As discussed in Chapter IV, natural forces must be respected in reaching decisions on shoreline protection measures. Public policies should continue to protect the natural beaches and provide access to these shorelines where there is a clear public interest in assuring access and use, and the level of public use is proportionate to the cost. Such considerations as potential loss of major recreational beach attractions may enter into the decision making process regarding whether to invest in protection measures. Where decisions are made that such an investment is appropriate, the public right to be at the edge of the shoreline has to be increased and assured. This right should be enhanced with improved access projects and support services where the capacity of beaches and operating conditions allow.

## CHAPTER VI

### THE WORKING COAST

*Economic growth, new investment, entrepreneurship, and job development will be promoted in water dependent businesses in suitable locations.*

The working coast is vital to the economic health of New York State. While precise values are not readily available, the working coast generates billions of dollars for New York State's economy. Over \$20 billion annually in direct and indirect economic activity is produced by New York's commercial fishing industry, the recreational marine and freshwater fishing industries, coastal agriculture, and the maritime industry in New York Harbor. This figure does not include the contribution of other water dependent and water-related businesses such as tourism, public utilities, and industries throughout the State that are also the backbone of the coastal economy. Tens of thousands of New Yorkers earn their livelihood from coast-based businesses and support services.

The working coast is comprised of the State's ports, shipyards and boat service businesses, tug and barge fleets, commercial fishing vessels and their support services, mariculture and aquaculture facilities, marinas and marina support services, recreational fishing, tourism, water dependent industries, public utilities, and coastal agriculture. All these businesses share a common trait -- they require a location on the shoreline to function or they depend on harvesting living or mineral resources in coastal waters.

Since these businesses have specific requirements for location, it is difficult or impossible for them to adjust to some of the sweeping changes occurring on New York's waterfront. These changes threaten their competitiveness, and the State's economic strength. Some of challenges facing water dependent businesses include: competition for space on the waterfront and space on the water, inadequate or deteriorated coastal infrastructure, impacts of regulation and taxation, degradation of coastal resources, and a lack of public awareness of the business and market needs of the working waterfront.

New York State has a stake in strengthening the working waterfront, but that task must be accomplished within the context of the environmental protection goals articulated by the Task Force. Economic development and environmental protection are not mutually exclusive goals. In fact, the Task Force believes that with thoughtful and careful management, economic development and natural resource protection can coexist successfully within the coastal area and be mutually supporting. Only through effective maintenance of natural resources will we ensure the long-term strength of water dependent industry.

The Management Framework chapter of this report proposes an improved structure for guiding development in New York's coastal areas. The foundations of those rec-

ommendations are the development of regional elements to the State's Coastal Management Program (CMP), designation of areas for concentrated development and environmentally sensitive areas, strengthened Local Waterfront Revitalization Programs (LWRPs), streamlined application and project review procedures, and improved baseline information for more effective decision making. By establishing a structure for effective land use decision making, and by involving representatives of water dependent industry in preparation of the regional elements, New York State will be able to protect and enhance our State's economic and natural resources.



*Cruise Ships, New York City*

#### ***A. Creating an Economic Development Strategy***

A complex web of social, economic and regulatory factors affects the vitality of the working coast. These factors must be addressed in a comprehensive manner to ensure that the working waterfront remains a significant economic force.

##### *Competition for Waterfront Lands*

One of the primary challenges for water dependent businesses is competition for suitable waterfront land. Waterfront land is a limited commodity. New York's waterfront is being rediscovered. Residential developments, new office and retail space, and other non-water dependent uses are locating on the shoreline. Introduction of these new uses into areas where water dependent uses have traditionally located creates a complex series of events which can weaken neighboring water dependent businesses. These new non-water dependent uses change the economic and

social dynamics in the area. Often, they command significantly higher economic returns than water dependent uses. As a result, water dependent businesses lose leases, face higher property taxes, and are frequently unable to afford, or to buy at a competitive price, a new site or additional land for expansion.

These problems are statewide. In New York City, for example, there are some barge companies operating on leased docks and land which they must vacate on 24 hours notice. A condominium project in Nassau County threatened to remove one of the last waterfront sites that was suitable for expansion of its commercial fishing fleet. Commercial fishermen in the Hudson Valley are losing places to land their catches as more newcomers to the area choose not to continue informal access arrangements that have operated for years.

Competition for waterfront space also occurs between different types of water dependent uses. Commercial fishermen, industrial uses, boatyards, and full service marinas are often pushed out of waterfront areas by water dependent recreational uses. This type of displacement occurs throughout the State, but is pervasive on Long Island where demand for marina space is significant. Commercial fishermen are particularly hard hit. In the Village of Greenport, for example, the Village constructed a public dock for commercial fishermen after it became nearly impossible for them to rent dock space privately. The Village of Freeport may need to follow suit. The number of commercial repair yards in the Village of Patchogue has decreased as recreational marinas have expanded in the Patchogue River. These yards, and other working waterfront uses, are of regional economic significance. If they are displaced, repair work and jobs are lost to other states.

Coastal agriculture in New York State is a highly productive and important part of the economy. The microclimate created by the coastal water bodies and prime soils of the Hudson River corridor, the Lake Ontario plain, and Long Island's East End are ideal for orchards and vineyards. These same characteristics, as well as the open space value of coastal agricultural areas, attract development. As development encroaches, less land is available for expansion, and nuisance complaints from neighbors may force adjustments in agricultural practices. A basic problem is lack of understanding on the part of municipalities and new rural landowners about the nature of farming.

### *Water Surface Conflicts*

Water dependent uses must also be able to function unimpeded on the water's surface. Growing numbers of boats, both commercial and recreational, create use conflicts on the water. These conflicts cut across all areas of the State and affect all types of water dependent businesses. Kayaks and small non-motorized boats are travelling in the same areas as large tugs and barges in New York Harbor. Sailboats and other recreational craft in Long Island Sound cross behind working commercial fishing boats pulling nets, often catching and damaging the nets. In other areas, over water structures are being used for non-water dependent uses. This type of development, done in an indiscriminate manner, can interfere with public rights in coastal waters and eliminate access to the coast for water dependent uses, such as

fishing and recreational boating. Excessively long docks are another problem. While the docks provide access for boating and fishing, their size and location can cause navigation, public access, and resource management problems.

Use conflicts are also occurring below the water surface. For example, trawler fishermen and lobstermen in Long Island Sound inadvertently interfere with each other's livelihood. The lobstermen locate their underwater pots with buoys. Both the pots and the buoys are often caught in the nets and dredges of passing trawlers. Both groups suffer broken or damaged equipment and lost catches. Shellfish floats for cultivation of clams and oysters present similar problems. They are suspended under the surface of the water and effectively remove that area for use by others.

These activities are all mixing in bodies of water without coordination of activities or effective establishment of use priorities and rules. Complicating the matter is that some of the water surface users lack knowledge of local water conditions and rules-of-the-road which increases the hazards of operating vessels.

#### *Economic and Regulatory Concerns*

There are other significant issues that affect the vitality of the working waterfront. They range from tax equity questions and permit processes to deteriorated infrastructure and lack of capital for expansion and modernization. These economic and regulatory issues are treated in detail in the recommendations that follow in sections B and C. While not specifically discussed in this section, these factors are a critical component of the strengthened coastal policies and a coastal economic development strategy called for in recommendations 1, 2, and 3 in this section.

#### **Recommendation 1:**

- **Revise the State coastal policies to reflect the business needs of the maritime industry, the commercial fishing industry, the recreational boating and fishing industries, tourism, coastal agriculture and aquaculture.**

The CMP contains policies which seek to promote water dependent businesses, such as the maritime industry, marinas, commercial fishing, and agriculture. The policies do not, however, take a strong, proactive approach to supporting the economic needs of these businesses.

The policies should now be revised to identify and preserve those resources (sites, infrastructure, and environmental base) that are necessary to reverse the decline of commercial maritime activity from New York State, strengthen commercial fishing and aquaculture and increase New York's market share, enhance development of tourism, recreational boating and fishing opportunities, and preserve unique coastal agricultural areas. Policy refinement would identify those resources that are critical to water dependent businesses; specify how those resources can be used to retain and increase the current level of economic activity in the State; and strengthen incentives to ensure the economic viability of water dependent industry.



## **Recommendation 2:**

- **Encourage development of harbor management plans.**

As a complement to Recommendation 1, development of harbor management plans is essential to address the use conflicts that hamper water dependent businesses operating on the water's surface or within the water. State and local government should work together to develop harbor management plans to address waterfront, water surface, underwater land, and water column use. Removing or reducing surface and sub-surface water conflicts, enhancing harbor safety, improving shoreside access, and improving navigation will promote industry stability and expansion.

Harbor management plans would also address jurisdictional problems, where lack of clarity and gaps have made management and control of surface water use conflicts difficult. Harbor management plans can clarify existing jurisdictional problems by permitting local governments to plan and manage harbor use, much as they manage and control land use. State standards should be developed to guide development of harbor management plans and regulations.

## **Recommendation 3:**

- **Focus the resources and programs of the public and private sectors to foster growth of water dependent industries.**

An explicit coastal policy to promote water dependent business is a central component in an overall program to enhance economic development in the coastal area. However, the policy can only be implemented through a comprehensive strategy to direct financial and programmatic resources of governments to support the policy. As resources become available, the strategy should encompass such improvements as directing appropriate financial assistance to water dependent and coastal dependent businesses, simplifying permit applications and approvals, developing innovative land use tools, opening formal lines of communication between government and the business community to ensure new regulations and laws do not create unnecessary burdens, and creating new financial incentives, while protecting the resources upon which these uses rely.

### ***B. Providing a Conducive Business Environment***

The regulatory and economic framework within which water dependent businesses operate is critical to their success. In addition to developing strong policies and a strategy to guide economic development along the waterfront, a number of improvements can be made that will create a business climate in the State that supports working waterfront uses, in appropriate locations, for the benefit of all New Yorkers.

### *Regulation, Taxation, Legal, and Insurance Impacts*

The working waterfront is affected by federal, State and local regulation and tax policies. One of the most pervasive complaints about the regulatory process is its complexity, lack of centralization, and review periods. The marina industry, in particular, has voiced concerns about the process. Task Force recommendations for permit simplification and consistency improvements, outlined in the Management Framework chapter, will address these concerns.

Various business taxes and fuel taxes are levied on the maritime industry. The sales tax on diesel fuel has greatly reduced its sale in New York Harbor. Now, most of the fuel consumed in the region is purchased in New Jersey and Connecticut. A fuel consumption tax is also levied on fuel used in New York waters. This has proven difficult to enforce and administer.

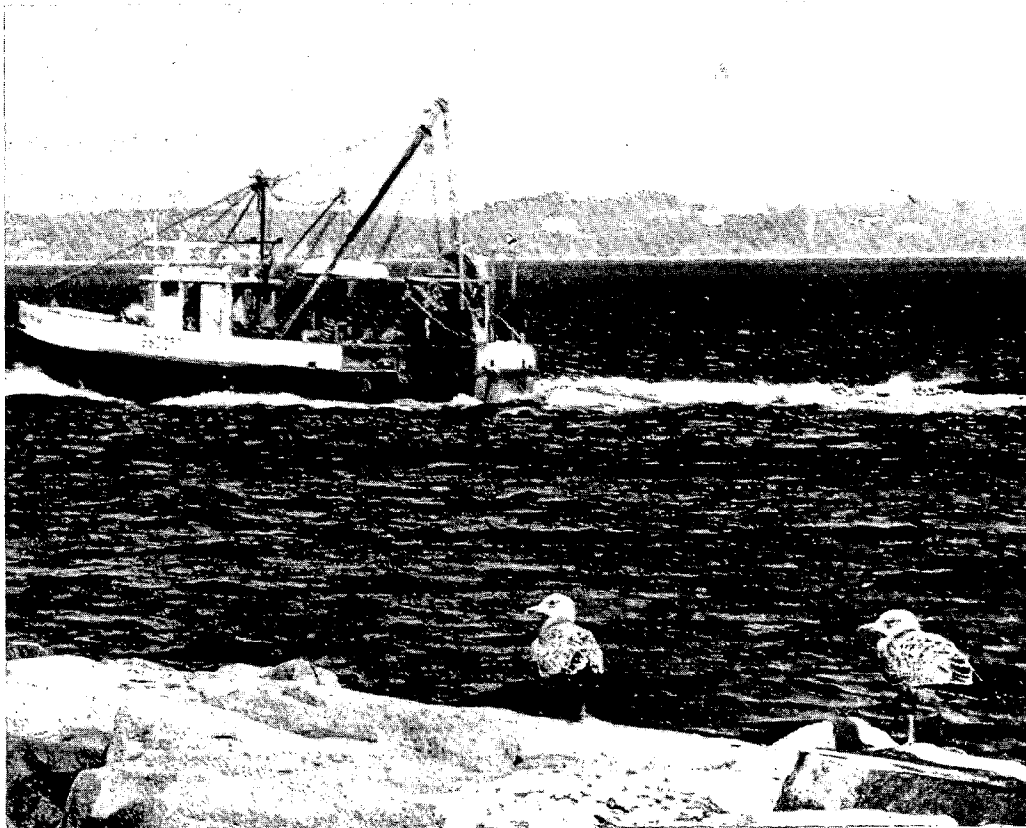
Property taxes are another concern for the working waterfront. When an area begins to shift from predominantly water dependent uses, particularly more industrial uses, to a mix of residential and retail uses, real property taxes tend to increase to reflect the higher value of the non-water dependent uses. This often outstrips the ability of the working waterfront use to pay based on returns from the business.

The federal Oil Pollution Control Act of 1990 sets strict new regulations and liability standards for the petroleum tanker and barge industry. This has raised concern about the availability and affordability of insurance. Practices, such as insurance pools and self-insurance, may not provide adequate protection, and insurance companies may choose not to provide coverage.

The Oil Pollution Control Act has unintentionally raised a liability concern for vessels coming to the aid of another vessel during an oil spill. Quick response is essential to preventing or averting a spill, but good samaritans in New York State who assist during a spill fear the lack of clarity in the State Navigation Law may make them liable for clean-up costs, along with the vessel that actually spilled the oil. Unlike the Oil Pollution Control Act, there is no explicit good samaritan protection in the Navigation Law for third parties acting under a contingency plan.

Within the commercial fishing industry, various regulations, taxes and government programs affect how business is conducted. For example, commercial stocks are protected by regulations on the harvest location, and the size and number of shellfish taken. Illegal harvesting of undersized shellfish, or of shellfish from uncertified waters, reduces the long-term health of the fishery and creates public image problems for legitimate harvesters. Increased and coordinated enforcement could reduce this problem.

Water-dependent uses face the threat of nuisance suits as the area around them converts to residential and retail uses. New residents moving into a working waterfront area often find that the waterfront ambiance that first attracted them has another side. Boatyards and other working waterfront uses generate noise, dust, odors, and traffic as part of their normal operations. Although the working waterfront uses are pre-existing activities, they are not safeguarded from legal action seeking to abate the "nuisance".



*Fishing trawler, Long Island*

#### *Business Climate*

New York City has lost port activity to New Jersey over the past 30 years with the advent of containerized cargo. Strides are being made to adjust to this change and to capitalize on other strengths by targeting such commodities as coffee and fruit, and building facilities to attract shippers.

At the heart of a competitive business environment is effective product and service marketing. New York State's working coast has a wide variety of goods and services to offer, but there must be a concerted effort to market the products and services produced.

The commercial fishing industry would profit from increased marketing to existing processors, few of whom rely on New York State fish. While there is little impetus to build processing facilities for New York State fish and seafood, new markets for primary processed product should be found. Expanding export of the many species that are available to New York harvesters can offer market alternatives. Finally, public confidence in the quality of the fish and seafood on the market is affected by pollution and illness resulting from eating tainted fish. Federal inspection of seafood, as is now being discussed, would improve public perception about the fish harvested from coastal waters.

Many of the fish species that have potential for increased consumption are those that are unfamiliar. Development of export markets for these species would benefit the industry. Ways to increase public acceptance of mariculture and aquaculture facilities and products should also be part of an overall strategy for the industry.

The State's inland waterway system, the canals and interconnecting waterways, offers a significant opportunity for coastal tourism and economic development. This resource is now being examined by the State Canal Board. Plans are being prepared for promoting development of tourist service nodes along the canal system to attract increased visitors and to spur local economic benefit from the canal.

Innovations in passenger and small cargo transport through development of high speed ferries are on the horizon in some areas of New York State. For example, passenger ferries to link Westchester and Rockland Counties with Manhattan are being discussed. These services have the potential to remove traffic from crowded urban streets and reduce pollution. Their initial success will depend on building a clientele.

#### *Business Support Research*

Business remains competitive, in part, by keeping abreast of new technologies and techniques. In the area of new products research, for example, substitutes and new application techniques can help boat repair and maintenance yards comply with regulations that prohibit certain types of marine paints.

The competitiveness of particular industries is strengthened when their traditional land and water needs are understood. In New York City, for example, an intensive study of the maritime industry resulted in identifying specific areas that should remain open and available for tugs, barges, shipyards, and other industrial users. Similar research could be instrumental in reducing the expense and conflicts that arise in siting recreational marinas.

#### *Coastal Resources Quality*

The commercial fishing industry, the agricultural industry, and the tourism industry rely upon a healthy environment. Commercial shellfishing depends on clean, certified waters. Many commercially important species of finfish and shellfish depend on healthy estuaries for spawning and for growth of juveniles. Coastal agriculture needs access to prime soils and water supplies. The tourism industry benefits from waters where swimming, fishing, and other recreation activities are allowed, and the surroundings are scenic.

As development encroaches on tidal areas of Long Island's bays and sheltered inlets, which are ideal for shellfish and finfish, water quality declines, causing reductions in fish and shellfish populations and the closing of beds. On Long Island, thousands of acres of shellfish beds are closed to baymen. In the Peconic Bays, scallop harvests have declined dramatically due to brown tide blooms. Fishery management, alone, will not return stocks to the Bays.

Use conflicts arise when communities try to balance the protection of habitats and provide for coastal recreation. The tributaries of the Hudson River and along the Great Lakes are some of the few places where marinas can be built and sheltered. These same tributaries are, however, of great importance for fish spawning and as habitat for waterbirds.

Finally, overuse of living resources is a concern that affects commercial fishing. The shellfish industry is threatened by overfishing, illegal harvesting from uncertified waters, and illegal harvesting of undersized clams. There is significant competition between commercial and recreational fishermen for catches of various high value finfish, and the competition, including harvesters from other states, is expected to increase as fish stocks and access to fisheries decrease. Maintenance of these finfish species for the benefit of both commercial and recreational fishing is essential. Please refer to Chapter IV, the Natural Coast, for recommendations on strengthening the commercial fishing and shellfishing industries in New York State.

#### **Recommendation 1:**

- **Amend the Waterfront Revitalization and Coastal Resources Act to provide protection against nuisance suits to water dependent businesses.**

Water dependent businesses face the threat of nuisance suits to abate the noise, odors, traffic, or other normal business activities that offend neighboring landowners. Legislation is needed to specifically protect pre-existing water dependent businesses from nuisance suits under the State's tort law. This legislation would protect pre-existing water dependent industry from being sued by adjacent property owners in much the same way that Right-to-Farm laws protect agricultural uses.

Individual localities are enacting Right-to-Fish laws, modeled after Right-to-Farm laws, to shield fishermen from neighbor complaints. The Suffolk County Legislature was prompted to pass such a law following a suit brought by owners of new homes against traditional commercial fishermen in the Village of Greenport. Other water dependent industries and areas are not covered by these protective laws, yet they are also at risk.

#### **Recommendation 2:**

- **Revise Good Samaritan provisions of State law to limit liability of responders to an oil spill emergency who are acting pursuant to a State or vessel-specific oil spill contingency plan.**

Prompt response to an oil spill emergency can often mean the difference between minor damage and significant environmental problems. Crews of vessels that are near a ship in distress can serve an important function by assisting to contain the oil in the first moments of a spill. More ship owners are becoming less likely to assist during a spill, however, because of fear that they will be held liable for a portion of the clean-up costs. The federal Oil Pollution Act of 1990 provides limited immunity from liability for removal costs and damages for those persons who respond to as-

sist with a marine oil spill. Currently, New York State law does not provide the same amount of protection.

### **Recommendation 3:**

- **New York State should work with the Northeast Governor's Conference to explore ways to meet the requirements of the Oil Pollution Act of 1990, while ensuring that adequate and affordable insurance is available to petroleum shippers.**

Pursuant to the Oil Pollution Act of 1990, the U.S. Coast Guard issued draft regulations setting forth the requirements for a "Certificate of Financial Responsibility" (COFR) for vessels involved in the petroleum shipments. A COFR must be obtained before a company transporting petroleum can purchase insurance. These new regulations also stipulate a direct cause of action against insurance companies for oil spills, including future damages.

A significant percentage of the petroleum products used in New York State is transported by water. The potential for increasing insurance costs and fewer insurance policies being offered to cover petroleum shippers could affect the availability of fuel in New York State. The Northeast Governor's Conference is attempting to address these regional concerns. New York State should offer its expertise in helping to craft a resolution that will meet the standards of the Oil Pollution Act, encourage greater care and responsibility among petroleum transporters, and ensure that responsible transporters can afford and obtain insurance.

### **Recommendation 4:**

- **Explore the potential of creating waterfront development districts to offer incentives, including use value assessments to water dependent businesses.**

Water dependent businesses contend with many of the same land use and tax issues that agricultural uses face. The water dependent businesses, like farms, may be reassessed to reflect the new highest-and-best-use despite the fact that the land remains dedicated to working waterfront uses. This practice places an unfair hardship on those businesses that want to continue operating, and may contribute to decisions to leave an area or to sell to a non-water dependent use.

Farms that become part of an agricultural district under the Agriculture and Markets Law are offered protection from a variety of government actions that inhibit their businesses, including property taxes that do not reflect the value of the land for farming.

Consideration should be given to developing a program similar to the Agricultural Districts Program for areas where there is a critical mass of existing working waterfront uses that could benefit.

#### **Recommendation 5:**

- **Target economic assistance to coastal communities for projects that provide for the retention and expansion of water dependent businesses.**

There are a wide variety of programs designed and funded to promote economic development in New York State. These programs include the Regional Economic Development Partnership Program, the Urban and Community Development Program, the Urban Cultural Parks Program, industrial economic development programs of the Urban Development Corporation, and the Job Development Authority, among others. Each of these programs is designed to achieve specific economic development goals, including job development and strengthening the local or regional economy.

The State should target existing economic assistance to coastal communities and businesses that enhance the working waterfront and provide for the retention and expansion of water dependent businesses. Activities eligible for financial assistance might include: site clearance and preparation of waterfront properties; coastal infrastructure construction, repair, replacement, expansion, and modernization; equipment purchase, repair, retrofitting, and rental; purchase of waterfront sites for the conduct of water dependent businesses; and feasibility and marketing studies.

In no instance should the State provide assistance to non-water dependent businesses that result in the displacement or foreclosure of opportunities to locate new or expand existing water dependent businesses.

#### **Recommendation 6:**

- **Provide planning and feasibility funds to localities through existing State economic development programs for water dependent industrial, commercial revitalization, and tourism projects which advance the regional coastal elements and LWRPs.**

Providing funds for planning and feasibility studies to local government is central to effective implementation of the economic development proposals of both the coastal regional elements and the LWRPs. Local governments, through land use powers, taxation and infrastructure bonding capabilities, can affect important economic development projects. Giving local government the information it needs to make appropriate and informed decisions will strengthen the State's overall coastal development and resource protection goals. State economic development programs should be gradually funded at adequate levels to support this type of activity.

#### **Recommendation 7:**

- **Encourage redevelopment of economically distressed waterfront areas through community involvement in the Economic Development Zone program.**

Economic Development Zones (EDZs) are created to foster development of new and expanded businesses and increased employment in depressed areas. Through the EDZ, communities are able to focus State economic development assistance programs, tax incentives, and other special tools to attract and keep business. Coastal communities should be encouraged to compete for the designation of Economic Development Zones for their economically distressed waterfront areas. EDZs could benefit depressed working waterfront businesses, and help meet the objective of strengthening the economies of coastal areas.

#### **Recommendation 8:**

- **Encourage private sector investment in and operation of waterborne transportation businesses to transport cargo, commuters, tourists, and recreational users.**

Increasing waterborne transportation of goods and people offers benefits ranging from new jobs to reduced pollution and traffic congestion. To promote waterborne transportation, the State should explore the feasibility of using tax incentives, such as tax exemptions on purchases of waterborne transport vessels and related equipment for vessel operation, for public and private sector investors and operators of waterborne transportation businesses and programs. Other actions may include financial assistance for site improvements, project feasibility analysis, construction, and marketing.

A study should be undertaken to review the possibility of using water transportation and high-speed ferries in areas surrounding and including New York City. The study would examine the potential passenger and freight application of waterway transportation for Long Island Sound, the Hudson Valley, and the Staten Island to midtown Manhattan corridor.

#### **Recommendation 9:**

- **Provide a forum for the participation of representatives of water dependent businesses to discuss with State agencies new State legislation, regulations, and programs that may affect the economic strength of the businesses and/or their ability to remain in New York State.**

New laws and regulations can have the unintended affect of stifling business, contributing to a decreasing competitiveness, or contributing to a business moving out of the State. While there are procedures for gaining public comment during the development of new laws and regulations, a forum in which government agencies and



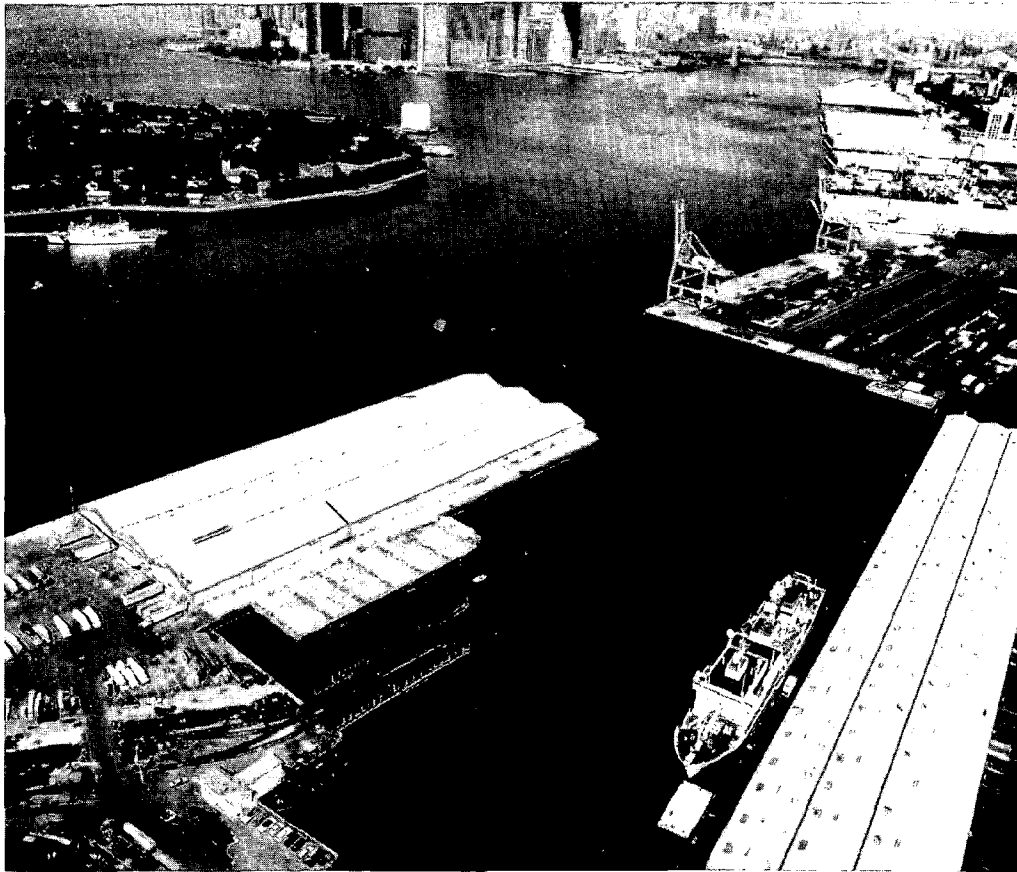
representatives of the water dependent industry could discuss legislative and regulatory proposals would be beneficial. Such forums could be used to identify proposals which do not adequately recognize the day-to-day realities of operating a water dependent business.

**Recommendation 10:**

- **Continue close coordination with the New York State Canal Board and other efforts to promote tourism on these inland waterways.**

New York State is fortunate to have developed a 500 mile system of inland waterways which connect major urban centers to scenic coastal and inland resource areas.

These canals also provide historic transportation routes for the efficient movement of bulk cargo, travel by pleasure craft, and linking of shoreline recreation and open space systems. The State Canal Board's work to develop a tourism plan for the canal system is essential for full development of this resource. Coordination with Canadian authorities and adjoining states along the marine shorelines, the Great Lakes, the scenic Niagara Gorge, the St. Lawrence River, Lake Champlain and the Canadian Canal system can also be advantageous to the entire northeast tourism, economic, and environmental improvement effort.



*Red Hook Container Terminal, Brooklyn, New York Harbor*

### ***C. Strengthening Coastal Infrastructure***

Water dependent industry depends upon adequate infrastructure to function efficiently. Docks, piers, cargo sheds, bulkheads, berthing space, navigation channels maintained through dredging, and rail links are all critical to the full realization of the State's economic potential on the waterfront.

A problem facing many water dependent businesses is the cost of constructing, maintaining and repairing deteriorated and outmoded waterfront infrastructure and carrying out maintenance dredging. Complicating this problem is that many of the sites used by the working waterfront are leased. Investment of large sums to repair bulkheads and other structures often cannot be made without the assurance of a long term lease.

Commercial fishermen on Long Island encounter a number of infrastructure problems that affect their livelihood, including inadequate dock space, lack of gear storage space, lack of space to pack out catches on docks, lack of sufficient processors dockside to receive fish, lack of commercially-priced fuel and service yards, and minimal availability of ice and refrigeration. To address these problems, fishermen at Shinnecock and at Lake Montauk formed a cooperative to jointly fund some improvements. Where there are no cooperatives, some local governments have built public docks for fishermen, but there are often conditions relating to hours of operation, odor control, and length of stay that make it difficult to do business.

The commercial shellfishing and mariculture industries share these problems with the finfishermen, but have additional infrastructure needs. As shellfish harvesting areas are closed, depuration facilities may need to be considered to maintain the livelihood of commercial harvesters and a New York presence in the marketplace. Mariculture, or the commercial development of finfish and shellfish from juveniles to harvestable size, requires both in-water grow-out space, as well as such shore-front facilities as nurseries for the juveniles.

Fish processing is also an important segment of the commercial fishing industry. Fish processing facilities in the State, which create added value for New York's fish exports, must provide pollution control equipment to handle their waste stream. Financial or technical assistance is sometimes needed to improve pollution control.

In other parts of the State, the infrastructure needs are tied more to providing space and access for recreational users (see Chapter V, section C). In siting new public facilities, however, it is important that consideration be given to the strength of the market in the area so public investment can complement and not compete with private investment for similar facilities. The need to provide harbors of refuge on the Great Lakes can require construction of breakwaters, dredging, bulkheads, and docks. Other needs on the Great Lakes are related to salmonid fishing.

Within the Port of New York/New Jersey, while great strides have been made by the public sector to upgrade cargo sheds, piers, and bulkheads, and to maintain dredged depths, much remains to be done to restore and modernize shoreside infrastructure.

#### **Recommendation 1:**

- **Assist in the purchase, construction, or repair of necessary waterfront infrastructure and equipment to support water dependent businesses.**

Waterfront infrastructure is essential to achieving the full economic potential of the State's working coast, yet the cost of these improvements can exceed the ability of small firms and independent operators to construct new facilities, to modernize, or to do simple repairs. Local government also develops and maintains waterfront infrastructure for water dependent business. The cost and regional benefits of these facilities makes the need for State assistance evident.

Increasing access of both private and public interests to existing State programs or creating new programs specifically directed at improvements to waterfront infrastructure and equipment will address a major problem that confronts water dependent businesses that are trying to remain competitive or to expand their activities, thereby creating new jobs for New Yorkers.

#### **Recommendation 2:**

- **Construct public docks or improve existing docks at strategic locations to accommodate the needs of private sector and non-profit operators.**

The maritime industry, commercial fishing industry, and the recreation industry can all benefit from improved dock facilities in critical areas where location and site conditions are best suited to the needs of the water dependent uses. Public initiatives to provide these facilities are often the only way that specific needs can be met. Care should be taken, however, to ensure that public action does not undermine existing private services and businesses, and that sufficient revenue is derived from rental of the space to maintain the structure.

#### **Recommendation 3:**

- **Maintain and improve commercial port facilities through continued upgrading of on-shore infrastructure; dredging of channels to maintain navigation; exploring commercial opportunities for use of dredge material and off-shore deposits for commercial sand, gravel, and crushed stone where a public use of the material is not feasible; and strengthening marketing for ports and various services provided by private industry within the ports.**

Maintaining port facilities is crucial to keeping New York State in the forefront of global commerce. The State, in cooperation with the federal government, port authorities, and affected local governments, should vigorously pursue programs to upgrade basic infrastructure.

#### **Recommendation 4:**

- **Improve the connection of commercial port facilities with major rail and highway transportation corridors.**

Improved land-sea connections will enhance the competitiveness of the State's commercial ports. Capitalizing on existing rail and highway infrastructure will enhance opportunities for immediate action to reduce congestion and air pollution by more efficient movement of goods. Over the long term, the State should cooperate with other involved public and private entities to explore improved land-sea connections, new routes, and new technologies for port areas.

An added goal of this recommendation is the construction of additional rail lines to link New York City and Long Island to the rest of the nation. New rail operations will provide for modern transportation of commercial goods and freight. Improvements in the rail system will also reduce wear-and-tear on the highway infrastructure and will relieve traffic congestion and air pollution. Most importantly, efficient rail transport will decrease costs and increase opportunities for industry in New York City.

The Transit Authority has proposed to construct additional East River crossings between lower Manhattan and Brooklyn. These crossings should be evaluated as effective means of reducing congestion and moving people and cargo more efficiently within New York City.

## **CHAPTER VII**

### **THE REDEVELOPING COAST**

*Suitable redevelopment of deteriorated, abandoned, and underutilized sections of New York's coast will create new opportunities for jobs, housing, recreation, and commerce, and improve the environmental and visual quality of the waterfront.*

For over 300 years, settlement in New York has resulted in continuous alteration of New York's coast. Cities were built, wharves and piers stretched into coastal waters to receive cargo, wetlands were filled to create additional upland, and mineral deposits were extracted. Some coastal lands became a repository for construction and industrial waste.

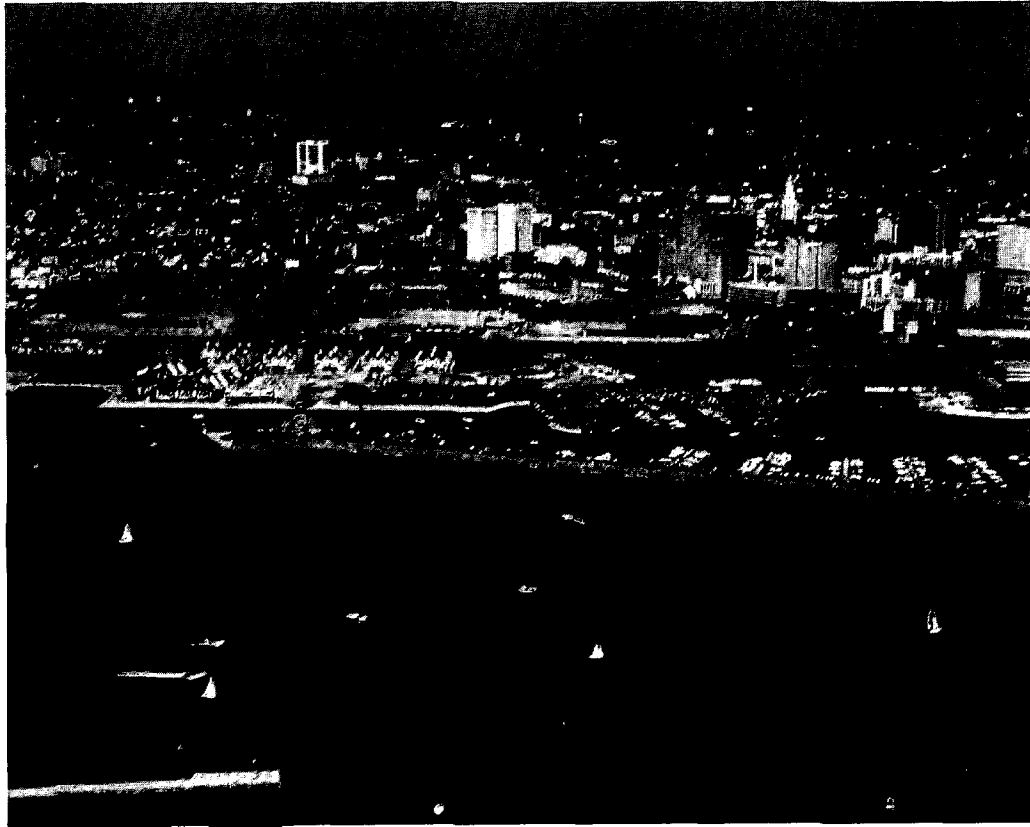
The development history along New York's shoreline shows a strong trend toward concentration. Urban centers have grown around waterways and unique resources. The intensity of development varies markedly around the State, from Manhattan's shoreline to small hamlets along the Hudson River and the Great Lakes.

Changes in technology and business, and the growth of suburban areas following World War II, have altered the face of established waterfront centers. Activity along many waterfronts has decreased with the exodus of people and business from older urban areas. This has left significant areas of the coast abandoned, derelict, and underutilized. Poor infrastructure, outdated industrial buildings, and lack of capital have combined to make revitalization difficult.

The lost economic potential of older urban waterfronts places increasing development pressure on the open coastal landscape as developers seek new locations on the waterfront. Focusing public and private development on areas of existing development is central to relieving development pressure on and maintaining diverse open and natural areas along New York's coast. The failure to reclaim older waterfronts and to concentrate development diminishes the value of the coast for all New Yorkers.

#### **A. *Targeting Revitalization and Concentrating Development***

Redevelopment of once vibrant waterfront areas is one of the most effective means to encourage economic growth, without consuming waterfront land that may have greater ecological value. Redevelopment recaptures past public and private investment and strengthens the fabric of coastal communities.



*Buffalo waterfront, Lake Erie*

### *Selection of Development Areas*

New York's coast is facing significant challenges regarding the allocation of its economic and natural resources. Every year, more people are turning to the coast for new homesites, recreation, and jobs. At the same time, sections of urban coasts are virtual ghost towns. In the Hudson River Valley, sections of urban waterfronts in places like Newburgh, Beacon and Poughkeepsie stand vacant, while thousands of new building permits are being issued in more pristine areas. Development on Long Island is expanding population east into coastal agricultural lands. In the St. Lawrence River area, the expansion of Fort Drum is expected to bring over 14,000 new people into quiet coastal communities.

Without careful planning the finite resources of the coast cannot continue to absorb these new uses and still meet the needs of future generations for open space, clean water, agricultural land, and wildlife habitats. Clear priorities, based on a comprehensive evaluation of resources and development needs, must be set to ensure a balanced and wise use of coastal resources.

One of the primary principles embodied in Chapter III of this report is the creation of regional elements of the State Coastal Management Program (CMP). These regional elements will define sensitive areas for environmental protection, and areas where development is appropriate and should be concentrated.

A logical starting point for the identification of development areas is to focus on existing urban waterfronts, and those other areas in or near urban waterfronts disturbed by past development. These areas, because of their past disturbances, present fewer concerns than intrusions into pristine areas. Indeed, redevelopment often offers the opportunity to restore some measure of environmental integrity and improve the visual and functional quality of the abandoned area.

Approximately 70% of our population presently lives in coastal areas. Demand for housing and other services in coastal areas will continue to grow. It is critical that this growth be channeled to appropriate locations. Focusing development and redevelopment in and around existing centers offers many benefits. Since services such as sewer, water, transportation systems, police and fire may be more available, existing public investments can be used more efficiently or often provided at a lower cost per unit than entirely new services in other areas. Concentration of development in existing centers can serve as a catalyst for rejuvenation of declining neighborhoods and central business districts, thereby strengthening the community and the region. Provision of housing in areas served by mass transit reinforces these systems, lessens traffic congestion, and offers a better alternative to suburban sprawl. The reinforcement of existing population centers will help make them better functioning communities and thus enhance their desirability as places to live and work.

#### *Activity Centers*

One obstacle that must be overcome before deteriorated parts of the coast can be reclaimed is the lack of purpose or focus that pervades abandoned urban waterfronts. Their original function may have long since disappeared or may have diminished to the point of insignificance. To create a viable new identity for these areas, there must be a well-planned and thoughtful effort to define the new character of the area to meet the needs and desires of the community, and to incorporate an understanding of regional realities. This can assure that revitalization efforts serve the community's interest.

The Horizons Waterfront Commission, operating in Erie County, has developed the concept of activity centers within existing communities to concentrate development along its 90 mile shoreline. The diversity of the Erie County communities means the activity centers differ in scale and purpose, according to their setting, their natural and man-made characteristics, and the demands of the regional marketplace. Their general purpose is to create focal points to attract people to the coast.

#### *Integration of Upland and Waterfront Areas*

When redevelopment of waterfront areas is contemplated, one of the important considerations must be how the redevelopment will be integrated into the surrounding community. Many older waterfronts have been cut off from the communities, first because they were generally industrial areas, and then because their derelict state made them unwelcoming. Redevelopment of waterfront areas should offer a community the opportunity to expand the public's use of the shoreline while increasing

economic opportunity. Development in abandoned waterfront areas is often difficult. These sites are often located in isolated, derelict areas where people may not feel safe. While these needs for security must be responded to, it is important that development at the waterfront be integrated with the rest of the community. This is the only way to be certain that the overall fabric of the community is strengthened.

Redevelopment efforts should not only create an attractive new setting on the waterfront, where the public can reach the water's edge, they should also create links to the inland neighborhoods. There have been several successful planning efforts that illustrate this concept, from Buffalo to Sunset Park in Brooklyn. A greenway trail system in Buffalo will link inland neighborhoods to the new redeveloped waterfront areas. In Sunset Park, design solutions have been proposed to create visual links to the waterfront through an industrial area.

#### **Recommendation 1:**

- **Based on the regional elements, designated areas for concentrated development should serve as focal points for State and local investment.**

The regional elements, described in Chapter III, are the foundation for promoting resource protection, as well as appropriate development and redevelopment of the State's urban waterfronts. The regional elements will define areas of concentrated development where redevelopment efforts would be focused. These areas are those where infrastructure, transportation facilities, public services, topography, geology and other environmental conditions are suitable for and able to accommodate development. Rather than promoting development in areas which are still relatively unspoiled, the areas of concentrated development would encourage orderly growth.

Focusing development on such areas also allows the State and local government to strengthen existing residential, commercial, and industrial centers along the coast. Rather than continuing to draw resources and people from older developed centers through dispersed new development, resources can be concentrated to serve a greater number of people. Infusions of public money through selective targeting of investment can lead to increased private investment in blighted or underutilized waterfront areas.

A comprehensive redevelopment program could encompass a range of uses to provide not only jobs, but also recreation and housing. New life and activity could be generated in the redevelopment areas. As redevelopment is encouraged and blighted areas reclaimed, the entire community benefits because physical and visual conditions on the waterfront improve. The waterfront begins to be reintegrated with the surrounding community, and new opportunities for connecting people to their waterfronts are created.

The areas of concentrated development can also serve as springboards for creation of special developments that meet regional needs. For example, certain parts of the coast, because of unique circumstances, may be able to provide new or increased recreation opportunities or serve as a regional center for maritime uses. The refine-



ments brought by the designation of areas of concentrated development would allow the State and communities to identify more clearly the special regional niches that they might fill. By capitalizing on an area's unique qualities, more efficient development decisions can be made.

#### **Recommendation 2:**

- **Target and set priorities for State investment to foster suitable uses and activities within areas of concentrated development, and encourage cooperative ventures with local governments to achieve these priorities.**

Designation of the areas of concentrated development is only one part of a comprehensive strategy to foster suitable redevelopment within coastal areas. An equally important component is targeting State investment to support activities in these areas.

There are existing State financial assistance and infrastructure development funds available that can be used. These public dollars are, however, becoming more scarce at a time when the need to reclaim abandoned waterfronts for new development is becoming more critical. As a result, funds that are available must be strategically applied and priorities for investment must be set within various regions and statewide. The regional elements and the areas of concentrated development are an ideal vehicle for setting such priorities.

#### ***B. Creating an Environment for Redevelopment***

Development decisions are influenced by a complicated array of factors including social trends and preferences, availability and affordability of land, economic and regulatory concerns, and evolving public policy. Any successful strategy must address these factors.

##### *Regulations*

Land use activities, including redevelopment, occur within a framework of laws and regulations. Although there are important federal and State laws that affect development on the coast -- including the Clean Water Act, the State Environmental Quality Review Act, the Waterfront Revitalization and Coastal Resources Act, and environmental laws covering a wide range of resources -- local governments play the most critical role in land use decisions.

Municipalities in New York State hold the power to zone land for various uses. Zoning laws vary widely in detail and scope. Some ordinances used today were written twenty-five years ago, and have not been updated to contain adequate controls on new types of uses or to take advantage of new land use control techniques. Other ordinances do not anticipate or provide for the type of mixed use development that is occurring along redeveloping waterfronts. As a result, many communities are unable to either protect their waterfront interests or to take advantage of creative new development ideas that could add new life to their waterfronts.

Since zoning is administered by local government, each ordinance stands on its own to address the needs of an individual community. Issues of regional significance may not be represented fully by individual ordinances even though other communities may be affected. Although the General Municipal Law provides for county review of certain actions adjacent to municipal boundaries, there is currently no mechanism to address intermunicipal impacts.

In addition, environmental reviews are conducted on a wide variety of development applications. The level and detail of review differ according to the complexity of the project and the site involved. For larger projects, for projects in areas with special natural or man-made resources, or for projects on sites with hazardous wastes, environmental review often entails preparation of an environmental impact statement.

#### *Land Assembly and Site Preparation*

Before an area can be reclaimed for new waterfront uses, developers must gain control of the site, either through purchase or by long term lease. Certain landownership patterns along the waterfront can complicate and hinder reuse. In many instances, waterfront areas are broken into a number of small parcels with ownership held by different individuals or corporations. Negotiating with all these parties to assemble a suitable site can be lengthy, and may not be successful. In other instances, large tracts may be held by a relatively few number of owners who may have purchased the site for speculative purposes, and may not be willing to sell for needed redevelopment.

Site preparation can hold unpleasant surprises in older industrial and urban waterfronts. Toxics, buried industrial equipment, and existing structures can all contribute to unanticipated development costs and delays.

In some instances, older structures on the sites can be adaptively reused, and add character to a reclaimed waterfront. However, in many cases, the existing structures are too deteriorated or too unsuited for reuse and must be removed. In the City of Lackawanna, for example, over 1,400 acres of waterfront land became available when Bethlehem Steel closed its plant. With few exceptions, most of the buildings on the site were immense industrial structures that had no practical value for reuse. Dismantling these buildings has been an expensive undertaking, and it is anticipated that the entire site will not be cleared for another ten years.

The City of Tonawanda is working to redevelop an industrial site at the confluence of the Erie Canal and the Niagara River. During site preparation, the developer found buried machinery foundations, heavily reinforced with steel, that have proven difficult to remove. As a result, part of the site remains vacant.

The presence of toxics in unknown quantities along many derelict waterfront sites has also impeded redevelopment. Not only the expense of removal but future liability make reuse of some strategic sites questionable.

## *Marketability*

Reclamation of sites for a mix of new uses will not be a successful cornerstone of waterfront revitalization unless adequate market analysis has been done to determine what the community and the region can support. Misreading the demand may prevent waterfront development from reaching its full potential and contribute to the sense of hopelessness about a community's waterfront.

Marketability of a site is also affected by the surrounding land uses. A site may offer spectacular water views, but be located in an isolated, derelict area where people may not feel safe. Introduction of new uses into industrial areas poses problems, not only for the new development but also for pre-existing water-dependent uses. In one Great Lakes community, a heavy industrial processor creates odors and soot that affect the area around its plant. In other areas, maritime uses and commercial fishing occupy waterfront areas, producing noises and odors. These operating industrial and maritime uses must be taken into consideration when redevelopment of residential uses, in particular, is considered. On the other hand, residential uses can be an appropriate part of mixed-use developments, particularly where they will reinforce existing mass transportation corridors and provide the critical mass to support commercial developments that serve a broader base in the community.

### **Recommendation 1:**

- **Provide technical assistance to local government to update and strengthen their land use regulations.**

Many communities in New York State have been land use innovators, creating new techniques to control the negative impacts of development and to promote mixes of uses that will enliven their waterfronts. Other communities, due to the lack of staff and the cost of consultants, are unable to improve their land use regulations and other tools to allow them to take advantage of new opportunities. Preparation of Local Waterfront Revitalization Programs (LWRPs) has offered an opportunity to develop new land use standards and tools to encourage waterfront revitalization, but greater attention is needed. A program of specialized technical assistance, both information dissemination and direct assistance in preparation of new zoning regulations, would help communities with LWRPs spur redevelopment of their waterfronts. In Chapter III, a variety of recommendations are proposed to increase local government's ability to manage waterfront areas.

### **Recommendation 2:**

- **Within areas of concentrated development, prepare master inventories and assessments of basic environmental, economic, infrastructure, social, and other data to serve as a basis for site specific environmental impact statements.**

Preparation of environmental impact statements (EIS) is an important safeguard for environmental quality and for public input into coastal development. EIS prepara-

tion can be complex and expensive, and much of that cost is associated with gathering and interpreting a wide range of environmental and other basic data about a site. To promote more cost-effective and efficient redevelopment of designated areas of concentrated development, master inventories should be prepared to provide detailed information and analyses.

The developer would use this data for his or her particular site, so that more resources will be available for needed planning, design, and mitigation work. The public cost of this work could be recouped when an area of concentrated development is redeveloped by apportioning the cost of the inventory among the involved developers. The added benefit of this approach is that the public agencies would develop a detailed knowledge of the characteristics of the site, rather than relying on data generated by the developer. The increased understanding gained could be used to guide public investments such as toxic remediation or infrastructure improvements. As an additional benefit, this work could also supplement the development of a GIS, as recommended in Chapter II.

**Recommendation 3:**

- **Encourage municipalities to use the full range of authority granted to them by the General Municipal Law and other provisions of State law to assemble land and promote comprehensive redevelopment of designated areas.**

State law authorizes communities to establish plans for the renewal of designated deteriorated areas within their municipal boundaries. Powers to assemble land, to bond, to obtain State grants, and to set exemptions from property or income taxes are available to local government to promote redevelopment of waterfront areas. Communities should be encouraged to explore the full range of their authority. This might include designating redevelopment areas as receiving zones for transfer of development rights programs, tax increment financing programs, and other tools. To this end, when areas of concentrated development are designated, technical assistance to communities with LWRPs should include discussion of General Municipal Law powers.

**Recommendation 4:**

- **Within designated areas of concentrated development, conduct marketing and feasibility studies to determine the most appropriate mix of uses.**

Detailed market and feasibility studies will be essential in the redevelopment of older urban waterfronts. The interaction of many economic and social forces that determines the success of any development is even more complicated in these areas. The success of a project can rest on the accuracy of the economic and market data used as a foundation for development decisions. Consequently, funding through existing economic development programs should be made available to communities with LWRPs and to private developers working within areas of concentrated development for marketing and feasibility studies.

### ***C. Fostering Continued Revitalization***

Revitalizing New York's waterfront communities is a process that will evolve and grow over time. A concerted, long-term effort is required to fuel continuing public and private commitment to creating new life in abandoned and underutilized coastal areas. Public expenditures will be coordinated for infrastructure improvements and for public/private financial partnerships. It will also include regional and local efforts to build and maintain a sense of public pride in and excitement about the potential of urban waterfronts.

#### ***Infrastructure Improvements***

Infrastructure -- sewer, water, roads, electricity, mass transit, bulkheads, and piers -- is the foundation for redevelopment of urban waterfronts. While some of these services are available, they are often deteriorated, undersized, or otherwise unsuitable for the new uses that are proposed. Without adequate sewer or road access, a development cannot be approved or marketed, but replacing or upgrading infrastructure can be the deciding factor in whether or not a project proceeds.

#### ***Public/Private Partnerships***

Since the cost of redeveloping urban waterfronts can exceed the cost of developing raw land, and because of greater economic risks, there is an important role that governments must play in providing financial assistance to promote development within the areas of concentrated development. There are a number of State financial programs that are currently available through the Department of Economic Development, the Urban Development Corporation, through various public authorities, and at the local level that can be directed toward this end. It is important to note, however, that government involvement must be as a partner and as a facilitator, not as the sole actor.

Other incentives such as tax abatements, property tax adjustments, credits, and bonuses can also be provided to create a hospitable economic environment for private development on the waterfront.

#### **Recommendation 1:**

- **Provide financial assistance for the construction, repair, or upgrading of necessary waterfront infrastructure to support redevelopment within the areas of concentrated development.**

Safe and adequate infrastructure is necessary to support redevelopment of waterfront areas. When areas of concentrated development are designated, the infrastructure needs of the area should be evaluated and access to existing State assistance programs should be increased for both public and private sector infrastructure improvement projects.

### **Recommendation 2:**

- **Target major State road, rail, water quality, and mass transit investment to support priorities set by the regional elements for areas of concentrated development.**

Where there are existing State and federal programs to support development of major infrastructure projects, emphasis should be given to projects that support concentrated redevelopment efforts. Such infrastructure improvements are currently being discussed for New York City, and the Task Force encourages investment of this nature when funding becomes available.

### **Recommendation 3:**

- **Provide planning, feasibility, and project funds to local governments and to private developers through existing State economic development programs to advance the regional elements and the priorities set for areas of concentrated development.**

Use of existing funds for planning, feasibility studies, and project construction should be promoted to advance projects within areas of concentrated development. There are several ongoing economic development programs that could benefit redevelopment areas. The improved information available to local governments with LWRPs and to developers through these studies will ensure that appropriate and informed decisions are made.

## **CHAPTER VIII**

### **COMMITTING TO THE FUTURE OF THE COAST**

In this report, the Governor's Task Force on Coastal Resources has set forth its proposals to protect, restore and enhance New York's coastal areas, now and for the future. Despite the compelling need for the adoption of these proposals, the Task Force recognizes it is neither possible nor desirable to implement its recommendations all at once. For this reason, the Task Force proposes implementation of most of the recommendations over a three-year period. Other recommendations should be adopted after 1995 and beyond.

The Task Force urges that some additional expenditures be made as early as possible to ensure that our coastal resources remain vibrant for future generations. These expenditures would be paid for by the Environmental Infrastructure Fund as described below. Specific coastal projects should eventually receive a minimum of \$3-5 million each year from the EIF.

The Task Force estimates that the recommendations which require additional General Fund monies will eventually cost approximately \$2-3 million in additional expenditures each year, when funds are available. Non-EIF capital expenditures will be needed in future years. The demand may be in the tens of millions of dollars over many years. The source of these funds will be identified in consultation with those who will benefit, including the maritime industry.

In response to the firm opposition expressed during the public hearing process, the Task Force has not recommended additional taxes and fees on marinas and recreational boaters.

#### **A. *Implementation Strategy***

At the end of this chapter are charts which display the specific implementation strategy for each of the Task Force's recommendations. The charts indicate when each Task Force initiative would begin. Initiatives will continue over a number of years as appropriate. While this outline reflects our goals, we recognize that some changes in the strategy may become necessary.

For each recommendation, the charts provide the following information:

##### ***Recommendation***

**Reference** -- Each recommendation is given a notation showing where in the report the recommendation is fully discussed. For example: II D 3 refers to Chapter II, Section D, Recommendation 3.

**Description** -- A brief phrase is used to describe the recommendation.

## *Funding*

**Existing Funds:** Many of the recommendations can be implemented using existing financial and staffing resources. The Task Force endorses immediate action on these items.

**General Fund:** Some recommendations will require only a modest increase in expenditure. For the most part, implementation will mean small increases in local assistance and state operations. These recommendations should be implemented gradually, over several years, as funding becomes available.

**Saltwater Fishing License:** The Task Force recommends the establishment of a saltwater recreational fishing license. Its revenues would be used to pay for protection and restoration of marine fisheries. This will also increase federal funds coming to the State.

**Capital Funds:** The recommendations include capital projects that would not be considered environmental. Major highway, rail and other infrastructure projects are recommended, for example. Many of these projects have also been recommended by other groups and some are already underway. The Task Force urges that a long-term strategy for these projects be developed, and that funding be provided as available.

**Environmental Infrastructure Fund (EIF):** Capital funds are needed to protect and restore coastal water quality, wetlands and habitats. Particularly in densely populated urban and suburban areas of the State, these resources need active protection before their benefits are lost.

**Federal Funds:** Some recommendations can be implemented with additional funding from federal sources.

## *Legislation Required*

The Task Force recommends that several pieces of legislation be introduced in the 1992 New York State Legislative Session to assure that our visions are realized. For example, new legislation will be required to: establish the Environmental Infrastructure Fund, strengthen the consistency review process, strengthen water quality protection programs, enhance protection of wetlands and habitats, create a saltwater fishing license requirement, create harbor management plans, and provide assistance to water-dependent industries. The implementation charts that follow show which recommendations require legislation.

### ***B. Environmental Infrastructure Fund***

The Governor's Task Force on Coastal Resources strongly urges the State Legislature to approve the creation of an Environmental Infrastructure Fund (EIF) to pay for urgently needed capital projects to protect and restore the environment. Through a variety of revenue sources including a fee on tires and a container tax,



the EIF can garner several hundred million dollars each year to help New York protect its natural resources. Major provisions of the EIF will benefit coastal resources and New Yorkers in coastal areas. Sewage treatment plant construction and upgrading will dramatically improve the quality of our water. Recycling programs will reduce the amount of waste in our waterways. Historic preservation projects will enhance cultural resources, many of which are found in our coastal areas. Land acquisition will ensure the protection of open space and coastal habitats, particularly in densely populated coastal areas. New York's contribution to the Great Lakes Protection Fund will mean greater improvements in our magnificent lakes.

In addition to these provisions, the Task Force proposes that a portion of revenue -- approximately three to five million dollars -- be made available to support the capital projects proposed in this report that are not part of the broader EIF proposal. These funds should be phased in over several years and would be used by DEC and DOS for a variety of projects, such as preparation and refinement of Local Waterfront Revitalization Programs, harbor management plans, and additional water quality improvements. Implementation of these projects will lead to a stronger, more positive commitment to our coastal resources.

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1992-93											
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED			
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL		
IIA1 IIA2 IIA4 IIA5	Strengthen Coastal Awareness Statewide Coastal Information Group Coastal Information/Awareness Campaigns Coastal Newsletter	X X X					X				
IIB1 IIC1 IID1 IID2	Coastal GIS Working Group Coastal Research and Monitoring Coastal Education Programs Middle School Education Curriculum	X X X X									
IIIA1 IIIA2 IIIB1 IIIB2 IIIB3 IIID1	Revise Coastal Management Program State Consistency Enforcement LWRP EIF Activities Other Fiscal Incentives for LWRPs Streamline LWRP Amendment Procedures Permit Simplification	X X X X X				X		X X			

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1992-93											
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED			
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL		
IVA1	Strengthen SPDES Permits	X									
IVA2	Enhance Funding for Water Quality										
IVA3	New Non Point Source Control Programs and Water Quality Certification	X					X	X			
IVA4	Strengthen Existing Non Point Source Programs	X									
IVA5	Upgrade Water Quality Classification	X									
IVA6	Encourage Water Conservation	X									
IVA7	Support Interstate Water Quality Efforts	X									
IVA8	Remediate Contaminated Sediments	X					X				
IVA9	Ocean Dumping Ban Act	X									
IVA10	Manage Water Activities to Protect Water Quality	X									
IVB1	Strengthen Wetlands Programs	X				X					
IVB2	Coordinate Wetlands Efforts	X						X	X		
IVB5	North American Waterfowl Plans	X									
IVB6	Coastal Habitat Protection	X					X				
IVB7	Zebra Mussel Research	X					X	X			
IVC1	Marine Fisheries Management										X
IVC2	Saltwater Recreational Fishing License										
IVC4	Protection from Contaminated Fish										
IVD1	Protect Natural Resources from Coastal Hazards	X									
IVD2	Federal Maintenance Dredging	X									
IVD3	Coastal Hazards Policy	X									
IVD6	Hazards Regulation and State Preparedness	X									
IVD7	Hazards Property Disclosure	X									
IVE1	DEC Enforcement Staff	X									

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1992-93										
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED		
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL	
VA1 VA2 VB1 VB2 VC1 VC2	Open Space Coastal Policy Funding for Open Space Public Trust Coastal Policy State Real Property Transactions Development and Stewardship for Public Access Protect Existing Recreation Areas	X X X X X				X		X		
VIA1 VIA2 VIB1 VIB2 VIB3 VIB6 VIB7 VIB8 VIB10 VIC3 VIC4	State Policy for the Working Coast Harbor Management Plans Nuisance Suit Abatement Good Samaritan Provision Requirements of Oil Pollution Control Act of 1990 LWRP Economic Development Assistance Economic Development Zones Private Waterfront Investments Coordinate with Canal Board Commercial Port Investments Sea/Land Transportation Connections	X X X X X X X X X X X				X	X	X X X X		

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1993-94										
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED		
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL	
IIA1 IIA3 IIA4 IIA6 IIC1 IIC2 IID1 IID3 IID4 IID5 IID6	Strengthen Coastal Awareness Promote Regional Information Efforts Coastal Information/Awareness Campaigns Coastweeks Coastal Research and Monitoring Citizen Monitoring Coastal Education Programs Coastal Classroom Materials Coastal Education Workshops Environmental Impact Analysis Research Grants Instruction for Coastal Users/Researchers	X X X X X X X  X X X	X X X X X  X X X							
IIIA1 IIIA2 IIIB4 IIIC1 IIIC2 IIIC3 IIIC5 IIID2	Revise Coastal Management Program State Consistency Enforcement County Coastal Plans Technical Assistance Teams DOS/Sea Grant Technical Assistance Coastal Publications County Technical Assistance Permit Review Staff	X X  X  X	X X X X X X X			X		X		

Governor's Task Force on Coastal Resources Implementation Strategy <u>FISCAL YEAR 1993-94</u>									
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED	
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL
IVA3	New Non Point Source Control Programs and Water Quality Certification	X	X			X	X	X	
IVA4	Strengthen Existing Water Quality Programs	X	X			X	X		
IVA8	Remediate Contaminated Sediments	X	X			X			
IVB1	Strengthen Wetlands Programs	X	X			X			
IVB3	Wetlands Conservation Plans	X						X	
IVC3	Legislative Policy on Fisheries Management	X	X					X	
IVD3	Coastal Hazards Policy	X	X						
IVD6	Hazards Regulation and State Preparedness	X	X						
IVE2	Natural Resource Damage Staff	X	X						
IVE4	Minimum Hazard Setbacks	X						X	
IVE5	State Coastal Barriers Policy	X							
VC3	Public Access Regulatory Requirements	X							
VC4	Access in Conjunction with Public Investments	X							
VIA3	Water Dependent Businesses Growth Strategy		X						
VIB4	Waterfront Development Districts		X						
VIB5	Economic Assistance for Water Dependent Sectors	X							
VIB9	Water Dependent Use Advisory Committee	X						X	

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1993-94										
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED		
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL	
VIIA1 VIIA2 VIIB3 VIIB4 VIIC2 VIIC3	Designate Concentration of Development Area Target State Investments to Development Areas Local Government Land Assemblage and Redevelopment Marketing and Feasibility Studies Transportation Investments Local Planning, Design, and Feasibility Funds	X X X  X X	X  X							

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1994 - 1995										
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED		
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL	
IIB2	Work Toward Statewide GIS	X	X			X				
IIIC4	Local Government Training									
IIIC6	Encourage Volunteers to Assist with LWRPs	X	X							
IVB4	Improve Wetlands Data		X							
VII B1	Redevelopment Technical Assistance		X							
VII B2	Development Area Inventories		X							

Governor's Task Force on Coastal Resources Implementation Strategy FISCAL YEAR 1995 - and Beyond										
RECOMMENDATION		FUNDING CATEGORY						LEGISLATION REQUIRED		
Reference	Description	Existing Funds	General Fund	Saltwater License	Capital Funds	EIF	FEDERAL	STATE	FEDERAL	
VIC1	Infrastructure and Equipment Assistance				X					
VIC2	Public Dock Investments				X					
VII C1	Infrastructure Investments				X					



## **APPENDIX**

### **A. Summary of Public Comments**

#### **GENERAL COMMENTS ON THE REPORT**

##### **1. Structure of Task Force Report**

**Comment:** It was suggested that the report should have a more comprehensive introduction to provide additional information about why the Task Force was established, instructions to the Task Force, summary of the existing program, description of federal coastal legislation, working structure of the Task Force, and an identification of Task Force members.

**Response:** There is a more comprehensive Executive Summary and Introduction in the final Task Force report.

##### **2. Support for Task Force Report**

**Comment:** There was broad overall support for the mission of the Task Force and for the general thrust of its recommendations. There was a minority of vocal opponents with the following concerns: the recommendations would cost too much and create more layers of government; local governments would lose control of their waterfronts; and public acquisition of waterfront property would increase.

**Response:** The recommendations were modified to make it clear that only modest increases of funds would be needed in future years. No new layers of government are proposed. Home Rule by local governments is not affected. Public acquisition of waterfront land would be focussed in urban areas.

##### **3. Content of Task Force Report**

**Comment:** There were several comments that the report did not give enough attention to economic development issues in coastal areas. Some questioned a basic premise of the report: that environmental protection goals can be compatible with economic development along the coast. A few people stated that the Task Force report was slanted in favor of environmental interests to the exclusion of other interests.

**Response:** The final report gives more attention to economic development that is compatible with environmental protection along the coast. Chapters have been added that respond to comments from the maritime and marine trades industries, and those of the development community.

**Comment:** Several people stated that coastal historical and archaeological resources were not adequately addressed. For example, there is no reference to the historical importance of waterfront industry or to linking the historic heritage of the waterfront with enhanced tourism/recreation opportunities.

**Response:** The Task Force, in its vision for "The Public Coast," calls for the protection of historic and archeological resources.

#### **PUBLIC INFORMATION/EDUCATION**

##### ***General Comment***

There was consensus with the importance of increased information and education about our coast. Many suggested ways to increase such information.

1. **Coastal Information**

**Comment:** There was strong support for strengthening the Coastal Management Program's public education efforts. There was also emphasis on the need to cooperate with existing programs such as those of New York Sea Grant. It was noted that DOS should work closely with existing education networks since DOS cannot do everything by itself nor should it be the single source for information.

**Response:** The Task Force continues to agree that coastal information/education efforts should be a focus of the Department of State, but with a strong emphasis on working cooperatively with other agencies and private groups. The recommendations stress using established information networks and existing information/education programs. In particular, a statewide coastal information group will be established to ensure coordination.

2. **Regional Centers**

**Comment:** There was confusion over the proposal that regional centers for coastal information efforts be established. A number of people were against the idea of creating new offices with staff in each region. It was suggested instead that existing educational centers, information networks, and local groups be used.

**Response:** The proposal to regionalize coastal information efforts has been clarified. The Task Force recommendation focuses on the need to increase awareness of coastal management issues through existing public information networks.

3. **Education Programs**

**Comment:** Several people emphasized the importance of "hands-on" coastal education experiences for community members, local government officials, teachers, parents, and children. It was stressed that parks and environmental centers could be used as on-site "laboratories" for workshops and training sessions.

**Response:** The recommendations reflect the need to provide hands-on training and education. The statewide and regional public information networks are encouraged to explore ways to strengthen and expand this type of educational experience. To help defray costs, the Task Force encourages corporate sponsorship of programs and transportation. The recommendations also acknowledge that lower-cost, in-class environmental education should be supported.

4. **Schools**

**Comment:** There was strong agreement on the importance of integrating coastal education with the existing curriculum. There was recognition that teachers may need incentives to take appropriate coastal education courses and workshops necessary for classroom teaching. Some people suggested that school districts be required to include coastal education in their curricula. Another suggestion was that schools encourage people in coastal occupations to visit classrooms as professional role models to enable students to learn about their jobs.

**Response:** Recommendations have been included that integrate coastal education into current environmental education curricula. In particular, the Task Force has suggested that the current revisions to the middle school science curriculum be implemented and include a coastal component.

5. Geographic Information System

**Comment:** There was general support for the recommendations to develop a coastal resources Geographic Information System (GIS), but many urged this be done in cooperation with other State and local agencies involved in GIS development.

**Response:** The recommendations for a coastal resources Geographic Information System stress the need for cooperation with other State and local agencies.

**MANAGEMENT FRAMEWORK**

1. Regional Plans

**Comment:** There was support for regionalizing the Coastal Management Program. There was concern from local governments that regional plans would weaken the current state-local coastal program relationship or that local policies would be adversely affected. It was emphasized that local interests should be involved in the regional process, particularly through such existing groups as the Horizons Waterfront Commission or by other means. There was also concern that the regional approach would lead to the establishment of regional coastal agencies, thus adding another layer of government. There was considerable opposition to the establishment of statewide or regional coastal coordinating councils.

**Response:** The Task Force modified its recommendations. The proposed regional elements will not alter the relationship between the State and local governments. The proposed regional elements will make the State more responsive to coastal communities by bridging the gap between the statewide Coastal Management Program and the particular needs of each coastal region. There is no recommendation to establish new regional agencies. The Task Force does support the existing regional entities such as the Horizons Waterfront Commission and the Hudson River Valley Greenway. These governmental entities have and will continue to play an important role in the management of coastal areas. To the extent that these regional entities are supported by local governments they should be used to implement the Task Force recommendations.

The recommendations make it clear that regional elements would be developed from the "bottom-up" by incorporating priorities and policies of existing LWRPs. The Task Force is not proposing statewide or regional coastal coordinating councils.

2. Local Waterfront Revitalization Programs

**Comment:** There was repeated support for the Local Waterfront Revitalization Program, and only limited support for mandated LWRPs. The overwhelming suggestion was that LWRPs be kept voluntary with increased incentives for LWRP preparation. However, some proposed that if a community did not prepare a LWRP within a specified time, the State should then prepare one. There was some support for creating financial dis-incentives for non-participating LWRP communities.

**Response:** The Task Force continues to recommend that the LWRPs be voluntary and calls for increased fiscal and regulatory incentives for their preparation and implementation.

**Comment:** There were repeated calls for more technical assistance from DOS to local governments in the preparation and implementation stages of a LWRP.

**Response:** The Task Force agrees there is need for more technical assistance to local governments to prepare and implement LWRPs. The Task Force also recommends that state agencies form teams to help provide technical assistance. These teams would include existing staff.

**Comment:** Funds to prepare and implement LWRPs were also called for. Several local government officials felt that there was little or no tangible benefit to preparing LWRPs.

**Response:** The Task Force acknowledges the need to increase the benefits of LWRPs to local governments. The Task Force has recommended that the State support the preparation of LWRPs through funding from the Environmental Infrastructure Fund, and that communities with approved LWRPs receive greater consideration in a number of other State programs.

3. **County Plans**

**Comment:** There was concern expressed with the proposal to require counties to prepare coastal programs. Counties were also seen by some people as providers of technical assistance to local governments with LWRPs.

**Response:** The Task Force is not recommending that counties be mandated to prepare coastal programs, but is encouraging them to do so to guide their own actions and to assist in the development and/or implementation of LWRPs.

4. **Consistency**

**Comment:** There was general support for the proposal to centralize the State consistency review process within the Department of State. Communities with approved LWRPs also stressed they should retain the power to make local consistency decisions.

**Response:** The Task Force recommends that DOS be responsible for centralized consistency review in certain instances, with no interference in the consistency review process of local governments with approved LWRPs.

5. **Permit Simplification**

**Comment:** There were complaints about the complexity of the State's permit processes. One solution recommended by a number of people was to strive for a single application process.

**Response:** The Task Force calls for simplifying the regulatory permit processes, to include shortening the time required to obtain a permit and examining the feasibility of developing a comprehensive permit application form.

**PROTECTING AND ENHANCING COASTAL RESOURCES**

1. **Water Quality**

**Comment:** There was general support for expanding the water quality certification to prevent further degradation of coastal water quality. Nonpoint source pollution received special attention--many called for concentrated efforts at remediation. More funds for a variety of programs were called for, as well as a requirement that LWRPs consider the impacts of land use on water quality. Measures to abate combined sewage overflows were given a high priority, as were proposals for pollutant discharge fees and heavy fines for polluters.

**Response:** The Task Force recognizes the significance of the water quality issue and has detailed recommendations for enhancing coastal water quality. The Task Force agrees there should be an expanded water quality certification requirement. It also calls for special attention to nonpoint source pollution.

**Comment:** There was strenuous opposition to the proposal to require state licensed pilots to navigate intra-port movement of vessels, as one measure to minimize water quality problems resulting from vessel accidents.

**Response:** The Task Force has not recommended mandating state licensed pilots to navigate intra-port movement of vessels. The Task Force has recommended the need for responsible and accountable pilots and encourages existing authorities to determine how to address this need.

2. **Wetlands**

**Comment:** Although the majority of support was expressed for restoring, enhancing, acquiring and better regulating wetlands, some expressed concern that wetlands regulations are already stringent and adversely affect desirable coastal development. There was general support for adoption of a State policy of "net gain" in the quality and quantity of wetlands, although some concerns were expressed.

**Response:** The Task Force agrees increased protection of wetlands is needed and proposes recommendations to further minimize their loss and degradation.

3. **Habitats**

**Comment:** There were a limited number of comments on protecting coastal habitats. Some people emphasized the need to develop management plans for significant habitats, and that such areas must be the starting point for the determination of sensitive environmental areas. There were divergent comments regarding the protection of urban coastal habitats, ranging from opposition to a proposal for no development in critical urban habitats.

**Response:** In addition to steps recommended to protect wetlands, the Task Force has proposals to protect habitats of threatened and endangered species, to prepare management plans for significant coastal fish and wildlife habitats, and to require that State actions be in compliance with the significant coastal fish and wildlife habitat program.

4. **Coastal Hazards**

**Comment:** Most comments supported a variety of regulations to restrict development in coastal hazard areas, such as no development on barrier beaches. A small group opposed many such regulations. Several in this group expressed concern with State acquisition of lands for hazard protection, and called for local control of actions to protect beaches, bluffs, and dunes.

**Response:** The Task Force agrees with most comments supporting restrictions on development in coastal hazard areas and has developed a series of recommendations to improve the management of hazardous areas and protect natural coastal features.

**IMPROVING PUBLIC ACCESS**

1. **Public Access**

**Comment:** The majority of comments called for more public access, with additional funds for acquisition and maintenance. At the same time, there was concern expressed about the potential adverse effects of more public access on critical or sensitive coastal resources. There were also comments calling for more recognition of the role of the private sector in providing access opportunities. Other comments emphasized the need for more trails and parking; the improvement, maintenance and development of public access lands; public transportation to public access sites; and for safety and security at public access points.

Some comments suggested the access recommendations were an infringement on private property rights, and other concerns were expressed about liability.

**Response:** The Task Force proposes to increase both physical and visual access to coastal waters. The report gives explicit recognition to the requirement that public access recognize private property rights and the constraints of natural resources which limit access opportunities.

2. **Public Trust Doctrine**

**Comment:** There were numerous calls for strict adherence to the Public Trust Doctrine. Several persons stressed the need for a statewide assessment of underwater lands to determine desired uses and protect them from lease or sale for unwise development.

**Response:** The report recommends explicit actions to uphold the Public Trust Doctrine in order to preserve and enhance rights to certain coastal lands and lands underwater.

**ECONOMIC DEVELOPMENT**

**Comment:** Representatives of the development and business community stressed the need to recognize their contribution to the quality of life in New York's coastal area and the problems they face along the coast. Representatives of water dependent industries in particular submitted numerous comments.

**Response:** Recognizing the importance of coastal economic development to the economic health of the State, and in response to comments that there should be more attention to economic development needs, the Task Force has substantially expanded its coverage of all aspects of water dependent businesses and coastal development activities. These recommendations are presented under two chapters of the report -- The Working Coast and The Redeveloping Coast.

**POTENTIAL STATE REVENUE SOURCES**

**Comment:** The largest number of comments received by the Task Force on any issue consisted of protests against proposals for additional taxes and fees on marinas and the recreational boating industry. For those who agreed that more funding for coastal management was needed, there was support expressed for a broad variety of taxes and user fees spread among all beneficiaries of better coastal management.

**Response:** The Task Force has not recommended additional fees on marinas and recreational boaters. The Task Force recognizes, however, that additional expenditures will be required to ensure that our coastal resources are improved.

**STATE AGENCY JURISDICTION OF COASTAL PROGRAMS**

**Comment:** Most favored keeping the Coastal Management Program in the Department of State. There was no support for creating a new State agency or placing the Coastal Management Program in another existing agency.

**Response:** The Task Force recommends the Coastal Management Program remain at the Department of State. The recommendations also propose increasing the coordination among State agencies which administer programs critical to the overall achievement of the State's coastal policies.

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## **ACKNOWLEDGMENTS**

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#### **SPECIAL THANKS TO:**

Patricia Swain at the Hudson River Valley Greenway Council for her work on the design and final production of this document.



#### ALSO THANKS TO:

Office of the Lt. Governor: Deborah Sale, David Weinraub, Phil Lentz, Christine Capasso, Melissa Julian

Department of Environmental Conservation: Gordon Colvin, George Danskin, Phil DeGaetano, Fran Dunwell, Madeline Gallo, Gail Kamaras, Lenore Kuwik, Laurel Remus, Annette Valenti

Department of State: Bill Barton, Jean Fuller, Neil MacCormick, Charles McCaffrey, Bill Sharp, Ellen Smith, Louise Steele

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Howard Weitzman, Vector Real Estate  
William Wise, SUNY at Stony Brook

#### PHOTOGRAPHY

We would like to thank the following for their cooperation in supplying photographs for this report:

Hampton Chronicle - Page 77  
New York State Department of Economic Development - Page 6, 11, 16, 35, 44, 65, 67  
New York State Department of State - Page 50  
Port Authority of New York & New Jersey - Page 72, 83  
The Saratoga Associates - Page 28, 88  
Sleepy Hollow Press - Page 62  
Southampton Press - Page 54

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The Task Force also wishes to thank the many individuals who met with us to talk about New York's coastal resources from: the Great Lakes Basin Advisory Council, Great Lakes Research Consortium, Horizons Waterfront Commission, Hudson River Valley Greenway Council, National Oceanic and Atmospheric Administration, New York Sea Grant Institute, New York State Department of Economic Development, New York State Education Department, New York State Marine Education Association, New York State Maritime Advisory Committee, St. Lawrence-Eastern Ontario Commission, United States Army Corps of Engineers, and United States Environmental Protection Agency.

We also wish to acknowledge the contribution of hundreds of individuals who attended the Statewide Conference, wrote letters, telephoned, and spoke with us at the meetings and public hearings around New York State.

